

ATTACHMENT 28

ARISTA

**Company Overview
October 2008**

ARISTA

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October 23rd 2008 Announcement

1) Name Changed from Arastra to Arista Networks

2) Cloud Networking™ Platform

3) Arista Appoints Executive Leadership

- Jayshree Ullal appointed as President and CEO
- Andy Bechtolsheim named Chairman and CDO
- David Cheriton named Chief Scientist
- Ken Duda named Vice President of Software Engineering



Ullal



Bechtolsheim



Cheriton



Duda

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Overview

About Arastra

Market Overview

Cloud Networking

Product Overview

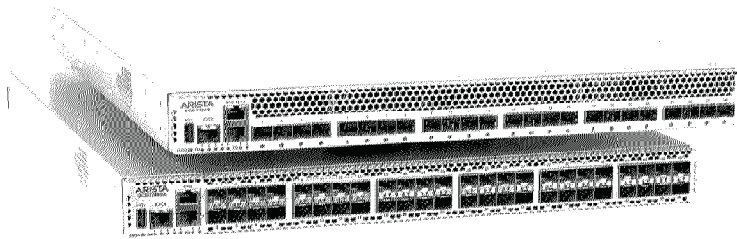
EOS

ARISTA

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Company Mission

Deliver best-of-breed switching solutions for cloud networks that provide the reliability, availability, and scalability that datacenter customers demand



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About Arista

Founded	<ul style="list-style-type: none">• In 2004 by Andy Bechtolsheim, David Cheriton & Ken Duda• Based in Menlo Park, California
Focus	<ul style="list-style-type: none">• Cloud Networking™ Solutions for large scale data centers• High-performance, reliable, scalable, power efficient 10GbE
Engineering	<ul style="list-style-type: none">• Hundreds of man-years of network switch experience• From leading networking and server companies
Sales	<ul style="list-style-type: none">• Distributors, Systems Integrators, VARs, Direct

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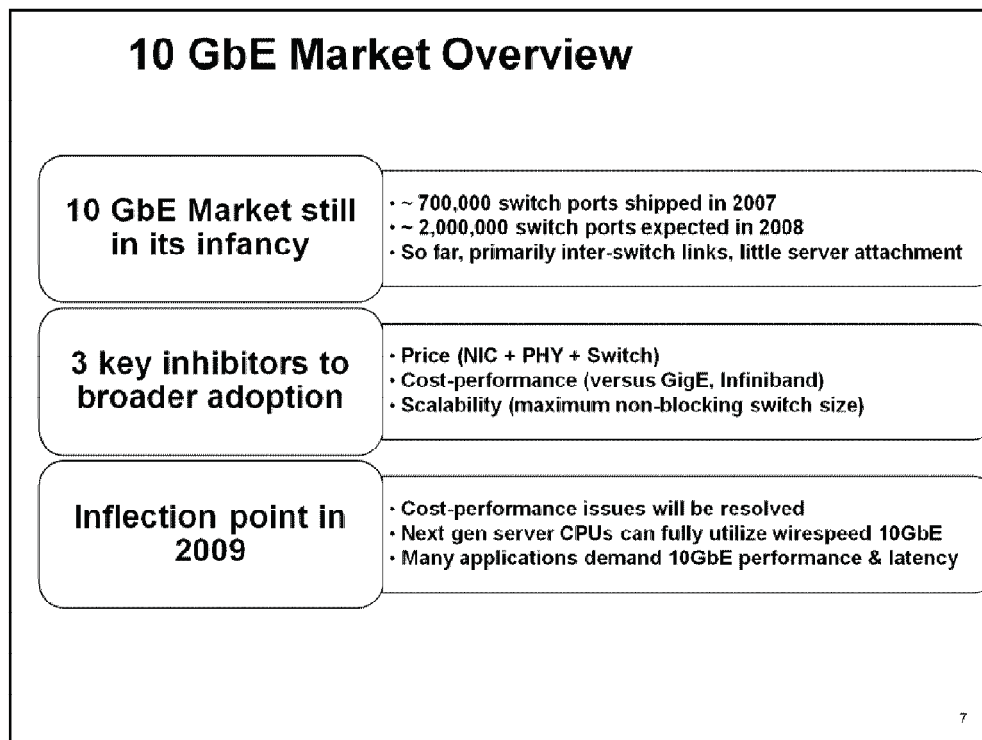
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**Market
Overview**

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The Internet empowers people with the ability to instantly communicate data and voice content such as music, pictures, and videos, and to access information in new contexts such as e-mail, and online business and entertainment applications.

SAN Applications

Disaster recovery

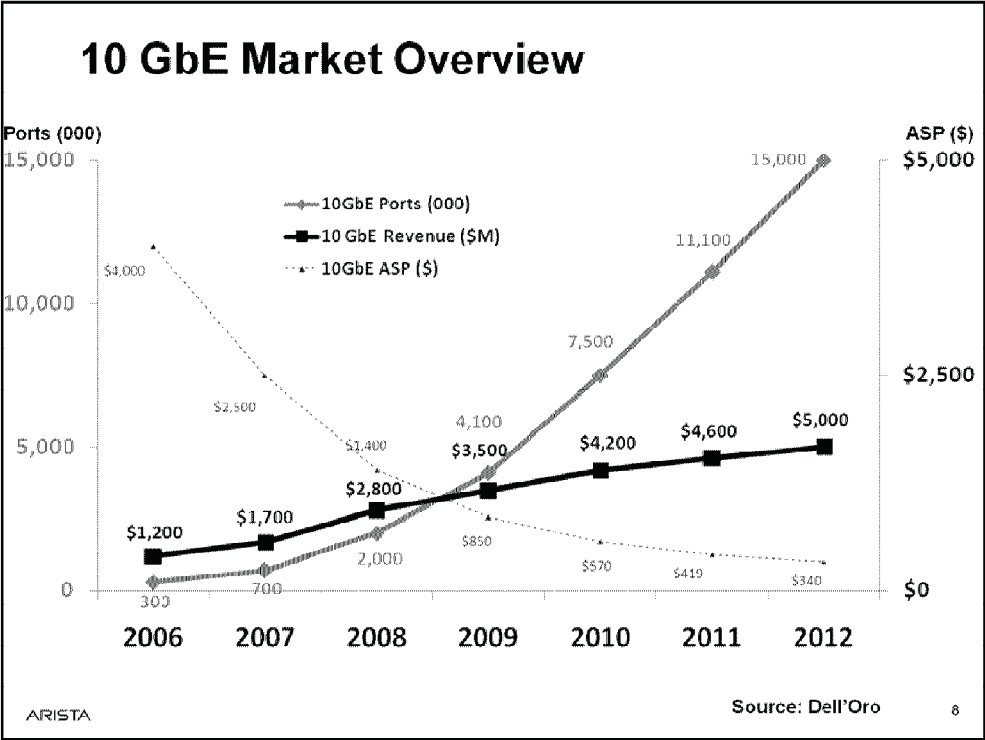
Streaming media

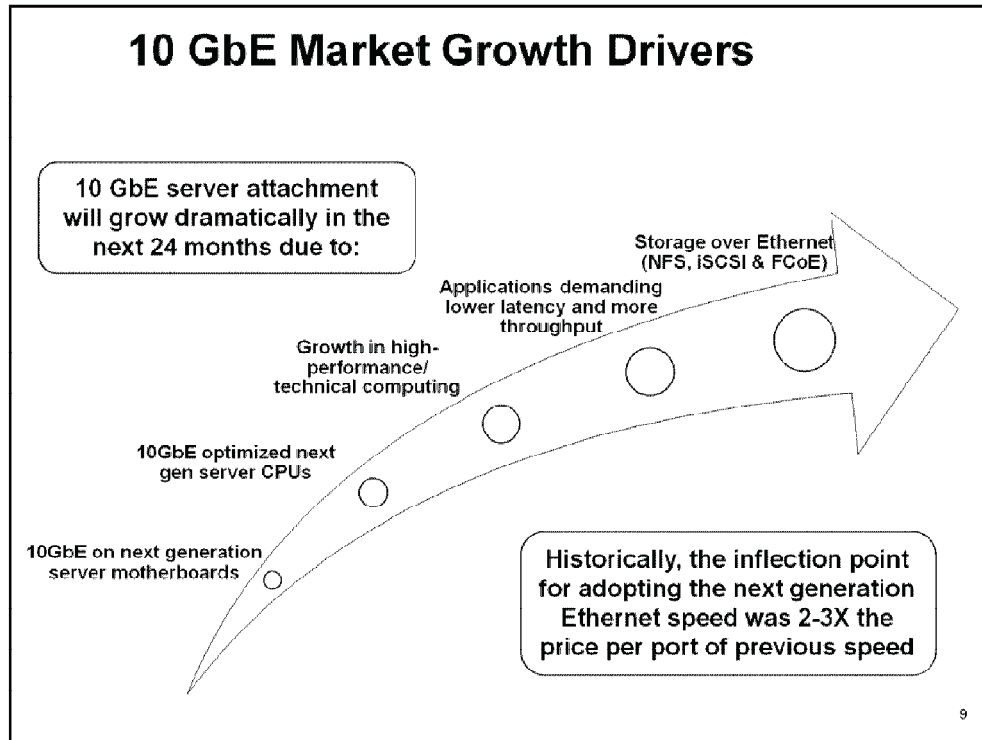
The throughput capacity (potential I/O bandwidth) of Ethernet NIC technology (1 Mbit/s 10 Mbit/s 100 Mbit/s 1GbE/and now 10GbE) has been growing faster than CPU technology's ability to process the protocols associated with the data stream.

With each advance in Ethernet technology, state-of-the-art CPU technology falls farther behind. This problem is even worse for embedded systems, which are typically much more constrained with respect to power consumption or thermal dissipation and therefore are less able to simply toss more CPU cycles at the problem—as can be done in high-end server class processing systems.

10 GbE Ports/ Rev/ASP

2006	2007	2008	2009	2010
295	703	2007	4165	7485
\$1.2B	\$1.7B	\$2.8	\$3.5	\$4.2
\$4K	\$2.5K	\$1.4K	\$848	\$569





10 GbE Market Summary 2009

10GbE Becoming Cost-Effective

- 2-3X the cost of 1 GbE, 1/10th the cost of today
- 10 GbE NICs on server motherboards

10 GbE is a Substitution Technology

- Completely transparent to existing applications
- No new protocol or network management

Rapid Market Adoption in 2009

- Major barrier has been price per port

Driving Force: Latency and Throughput

- Large websites, datacenters and HPC labs have started to deploy 10GbE

In 2009, 10 GbE will become the standard server interconnect

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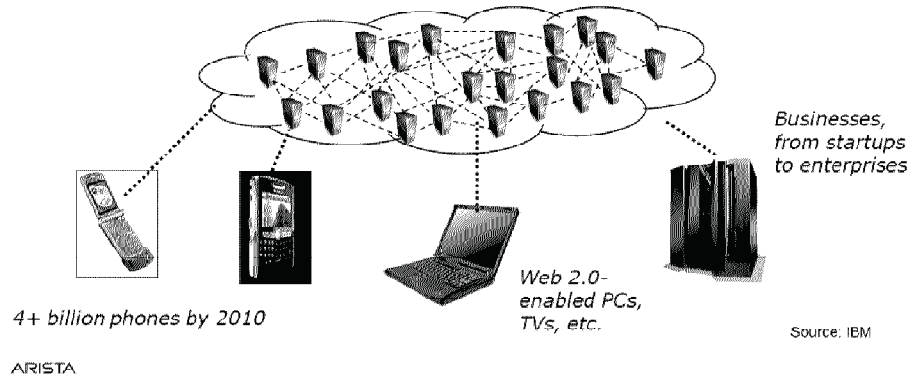
Cloud Networking™

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



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What is “Cloud Computing”?

An emerging computing paradigm where data and services reside in massively scalable data centers and can be ubiquitously accessed from any connected devices over the internet.



The Cloud Evolution

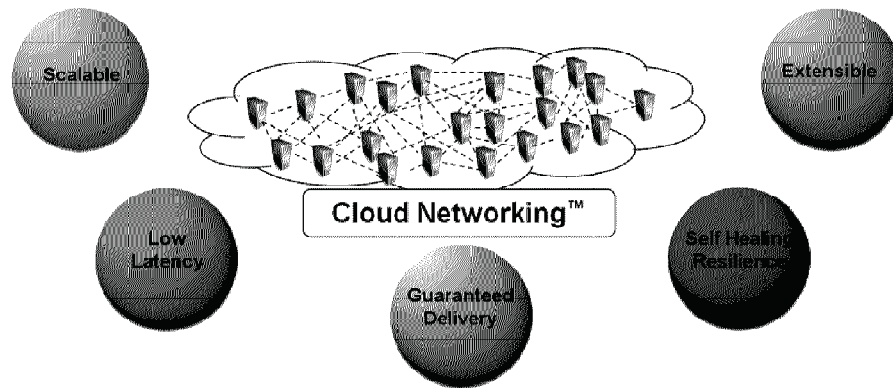
	Classical Enterprise Datacenter Networks		Cloud Computing Datacenter Networks
Number of Servers	100s to 1,000s		10,000s to 100,000s
Network Throughput	Gigabits to Terabit/sec		Multi Terabits to 100 Terabits/sec
Network Services	Expensive Add-ons		Integrated/Extensible
Network Management	Distributed, Box Based		Orchestrated

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What is “Cloud Networking”?

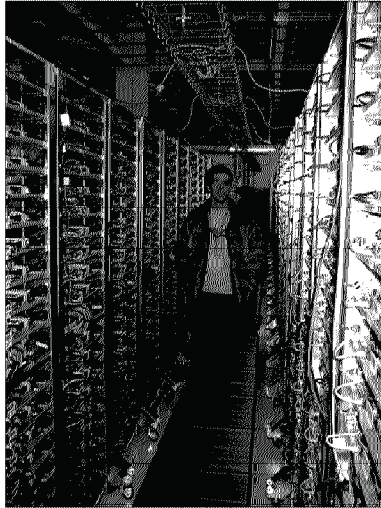
The networking infrastructure required for cloud computing that is faster, simpler and more cost effective than existing conventional enterprise network architectures.



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Cloud Datacenter Network Requirements



Requirements

10,000s of Servers

Non-Blocking Network

1/10 GigE to Server

10/40/100 GigE Core

L2 (edge), L3 (core)

24x7 Availability

Power Efficiency

Cost Effectiveness

**Network Throughput Drives
Overall Server Utilization**

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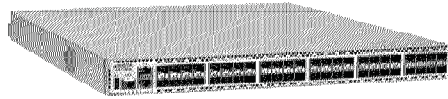
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Product Overview

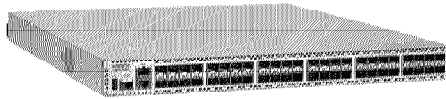
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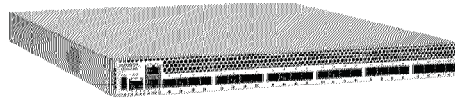
Introducing the Arista 7100 Series



7148SX



7148S



7124S

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Positioning

Rack Server Aggregation

Blade Server Aggregation

Rack Switch Aggregation

Unique Value Proposition

Highest Density 1RU 10GbE Switch

Extensible, Modular OS

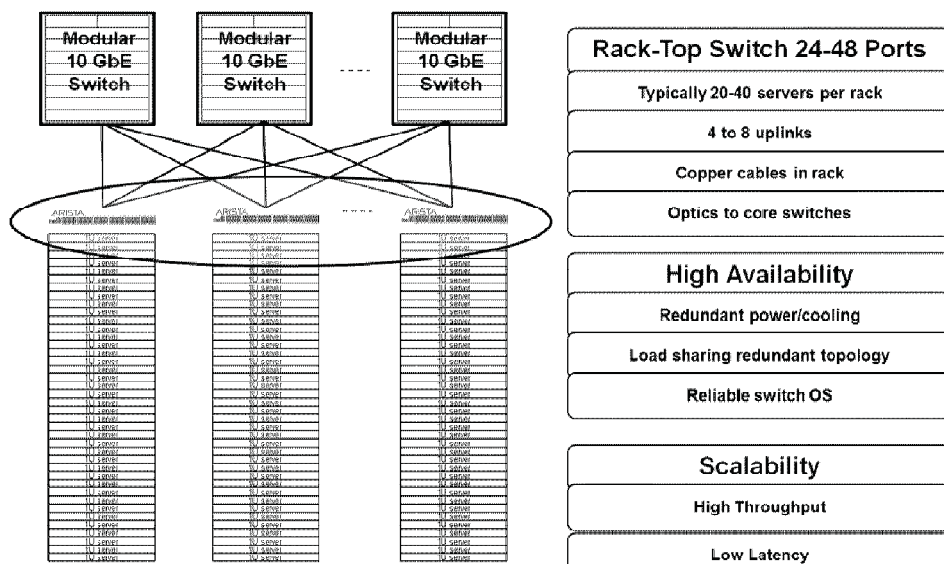
In-Service-Software-Upgrades

Front-to-Rear & Reversible Airflow

GbE and 10GbE on all ports

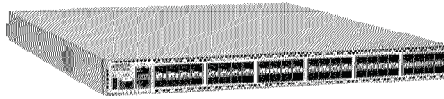
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Rack-Server Aggregation Requirements

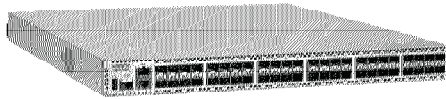


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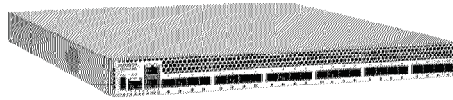
Introducing the Arista 7100 Series



7148SX



7148S



7124S

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Enterprise Class Design

Hot-swap 1+1 AC Power

Hot-swap Redundant Fans

Front-to-Rear with Reversible Airflow

All Ports Support 10GbE and GbE

High Performance System Mgmt

Dual-Core X86 CPU

Dual Management Ports

USB Port

Arista EOS

Power Efficient

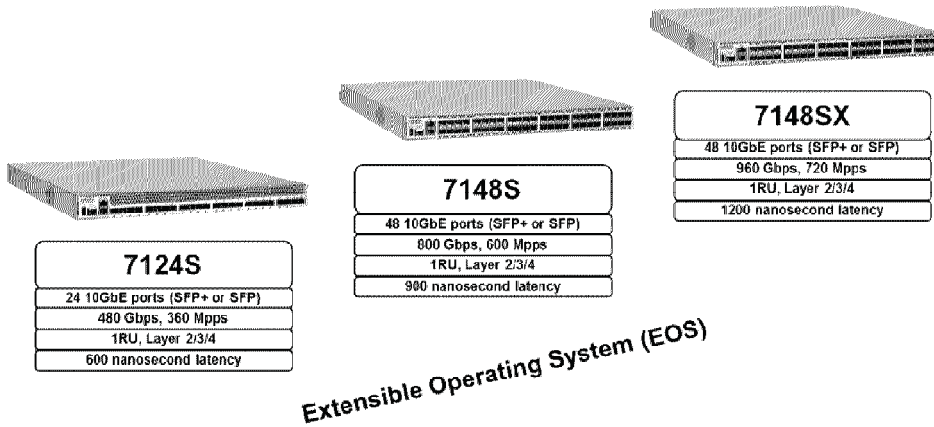
395W max (24 SFP+ ports)

650W max (48 SFP+ ports)

High Power Supply Efficiency

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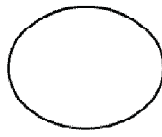
Arista 7100 Series Positioning



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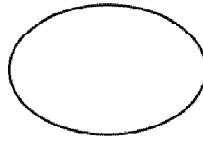
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Fiber Optics and Copper Cabling



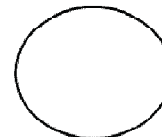
10GbE SFP+

SFP+ Type	Media	Max Distance
10GBASE-SRL	50 micron MMF	100m
10GBASE-SR	50 micron MMF	300m
10GBASE-LR	9 micron SMF	10km
10GBASE-LRM	62.5 micron MMF	220m



10GbE Cables

Cable Type (SFP+ connectors at both ends)	Media	Max Distance
10GBASE-CR	Twinax Cable	1m
10GBASE-CR	Twinax Cable	2m
10GBASE-CR	Twinax Cable	3m
10GBASE-CR	Twinax Cable	5m

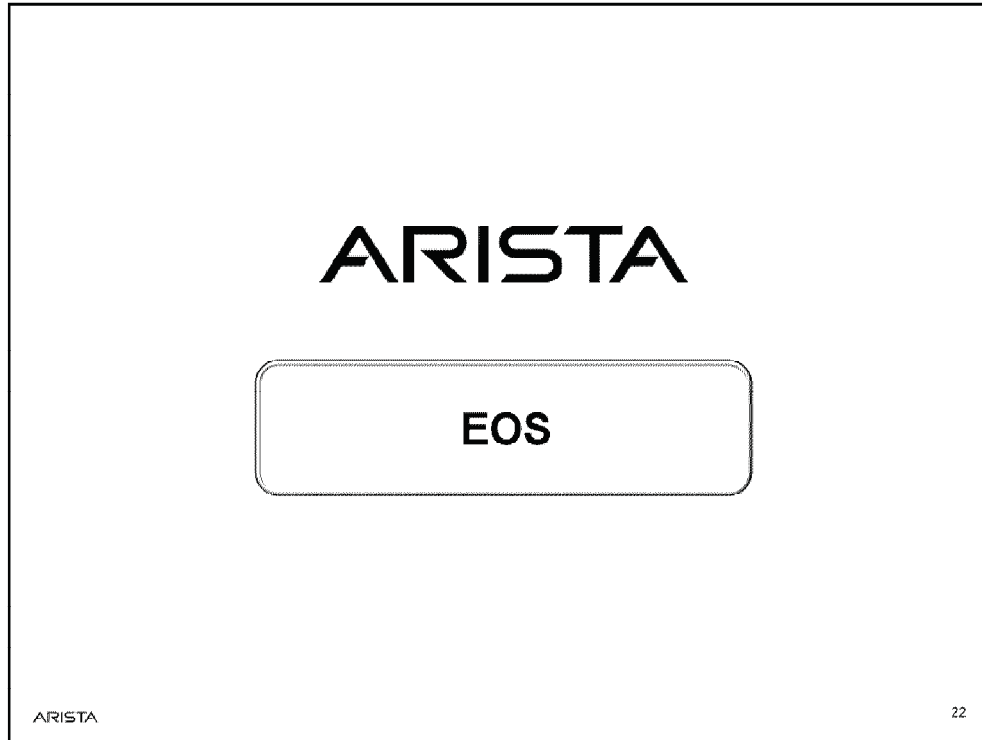


GbE SFP

SFP Type	Media	Max Distance
1000BASE-SX	50 micron MMF	550m
1000BASE-LX	9 micron SMF	10km
1000BASE-T	Cat-5	100m

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Legacy Monolithic Software Architecture

CLI, SNMP, HTTP,
AAA, IGMP, OSPF,
Bridging, Spanning Tree
Secure Shell, SysLog
on top of Real time kernel

Switch Hardware

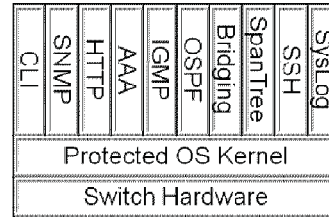
- All tasks are directly linked to and released as part of kernel
- A single bug in the code base can bring the entire switch down
- No mechanism for fault isolation

This is how almost all Ethernet switches in the market work today

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Arista EOS™ Extensible Operating System



Legacy Approach

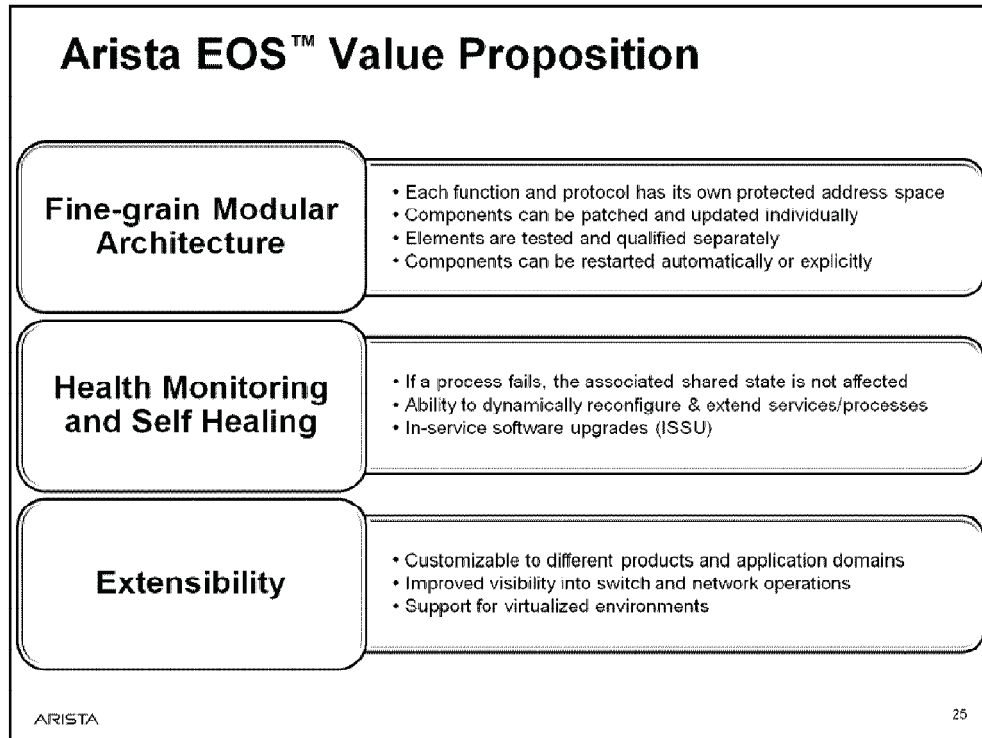
All tasks directly linked to,
and released as part of kernel

Arista EOS

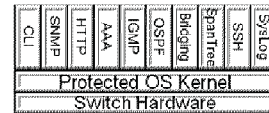
All tasks separate processes
on top of embedded Linux

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Arista EOS Advantages



	Legacy Approach	EOS Approach
Reliability	Single bug in any component can crash the entire switch	Multiple protected address spaces with self healing dynamic reconfiguration
Updates/Upgrades	Requires full image upgrade and reboot	Components patched and updated individually while in service (ISSU)
3rd Party Applications	Limited customization ability	Open platform customizable to different products and application domains
Feature Velocity	New features require full image release cycle	Each feature within own address space can be released separately
Management	Standard CLI and SNMP Interfaces	

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Arista 7100 Series Switch Summary

High Performance

- Up to 960 Gbps, 720 Mpps
- As low as 600 nanosecond latency

High Availability

- Redundant hot swappable fans & power
- In-Service-Software Upgrade (ISSU)

Flexible AirFlow

- Front-to-Rear or Reversible Option

Arista EOS

- Fine Grain Modularity
- Separation of state from action processes
- APIs to enable 3rd party applications

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Customer References



"We are deploying 3 Terabits of non-blocking switch capacity in our CDN and evaluated everyone and were impressed with the Arista reliability, robustness, and extensibility."
 – Perry Wu, Co-Founder, CEO, BitGravity



"To maintain our cutting edge R&D computing capabilities we selected the Arista switches because they provide the density, reliability and low latency attributes our cluster, storage and network infrastructure require"
 – Mark Seager, Lawrence Livermore National Laboratory



"We are developing extensions for Arista's EOS that will enable it to be integrated in large scale distributed systems, providing major new capabilities for network services that can quickly adjust to changing traffic requirements."
 – Joe Mambretti, Director iCAIR Northwestern University

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**Cloud
Networking**

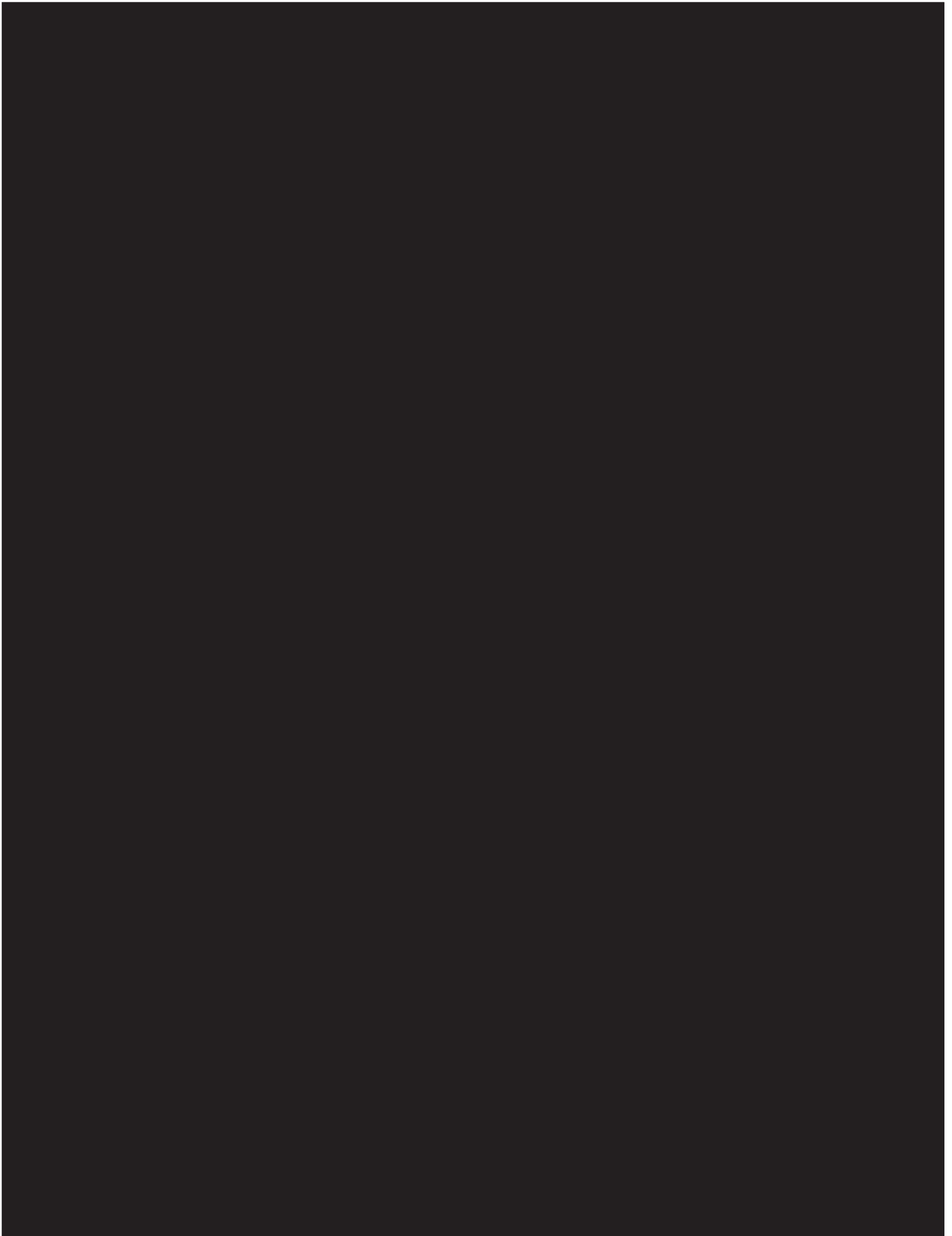
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CSI-CLI-06360284	CSI-CLI-06360312	Mark Foss	bock-bock.cisco.com	bock-cisco.com\wiki_file\User_3ARosterbe_3AArista_3ACONFIDENTIAL

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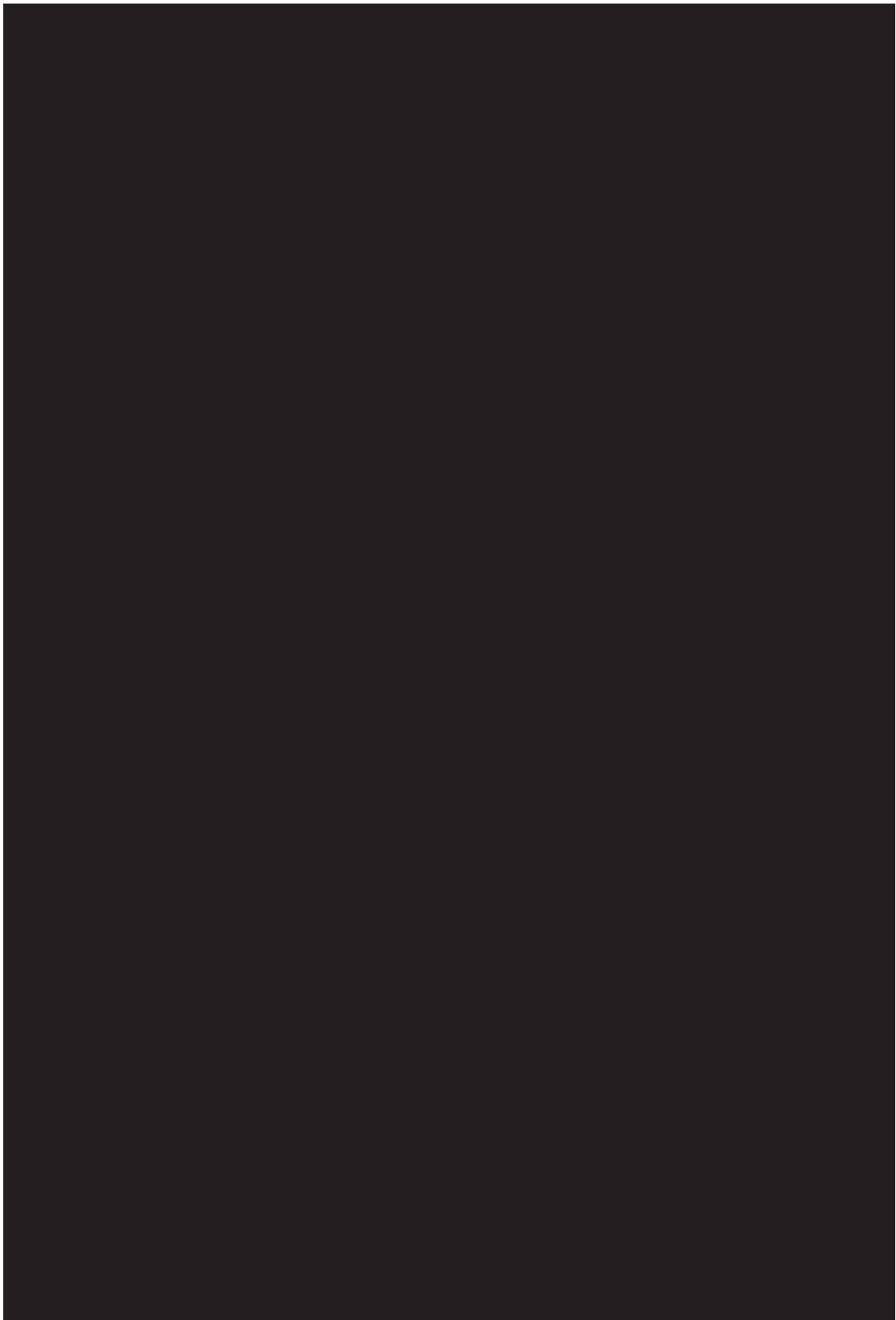




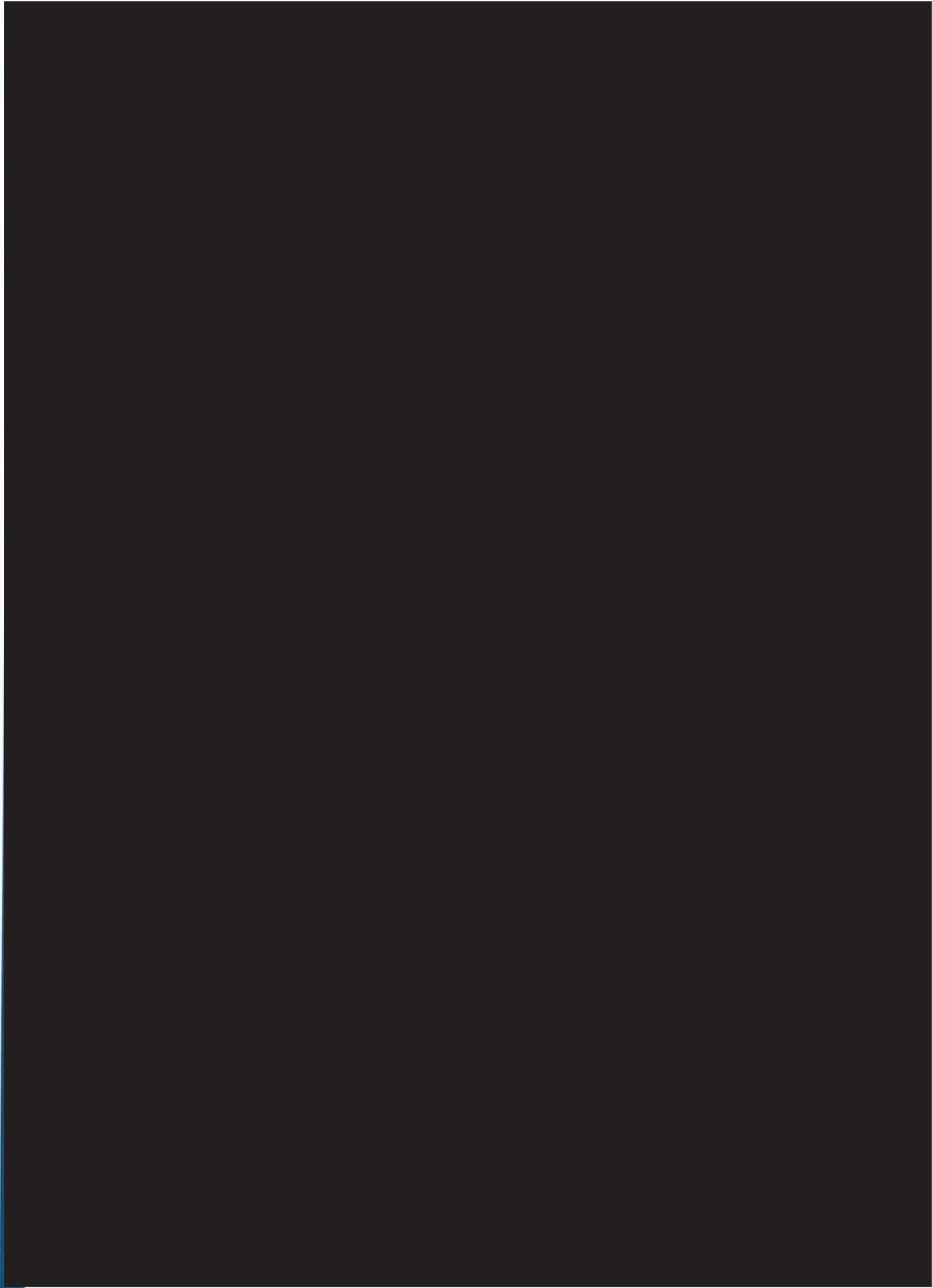




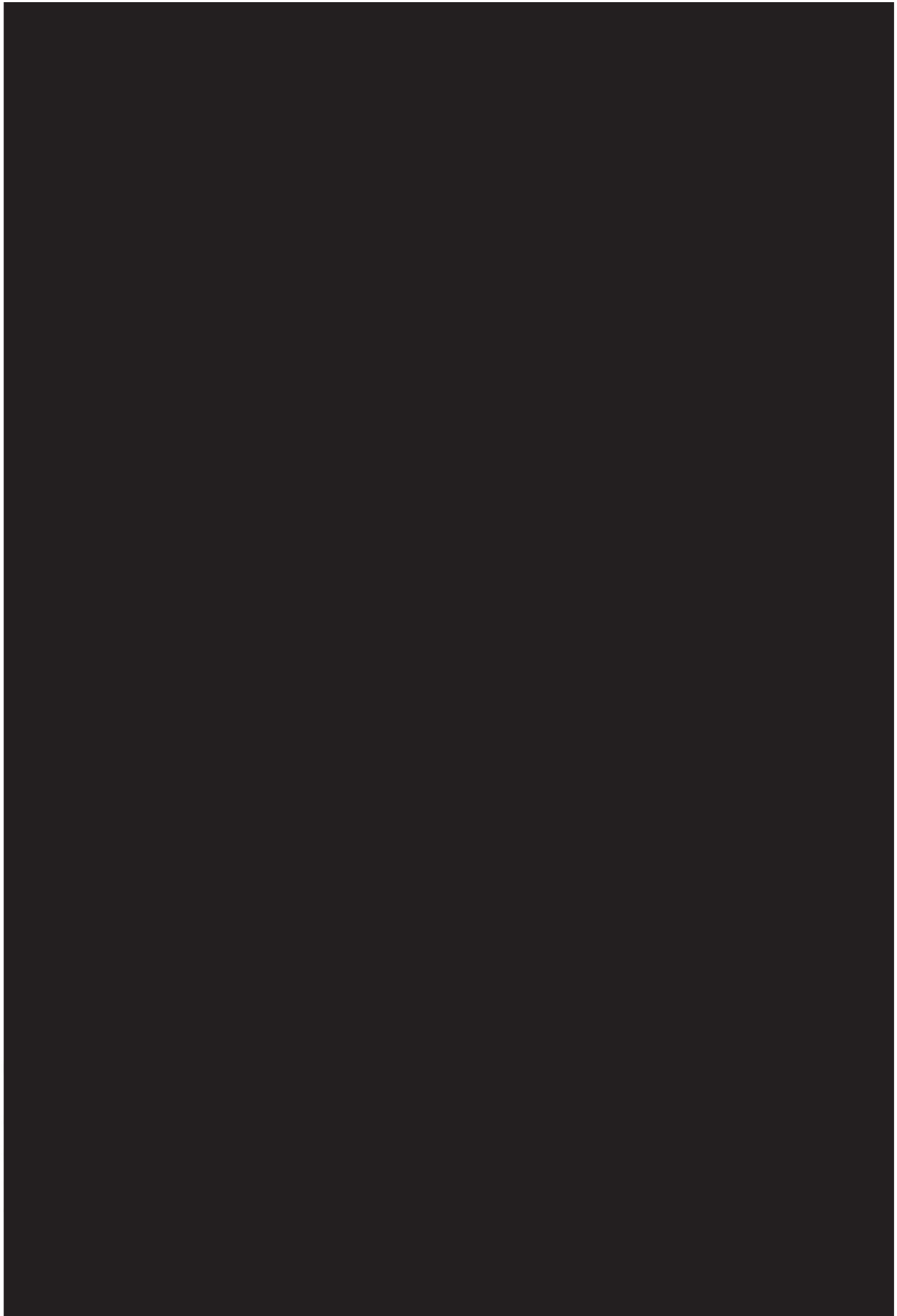




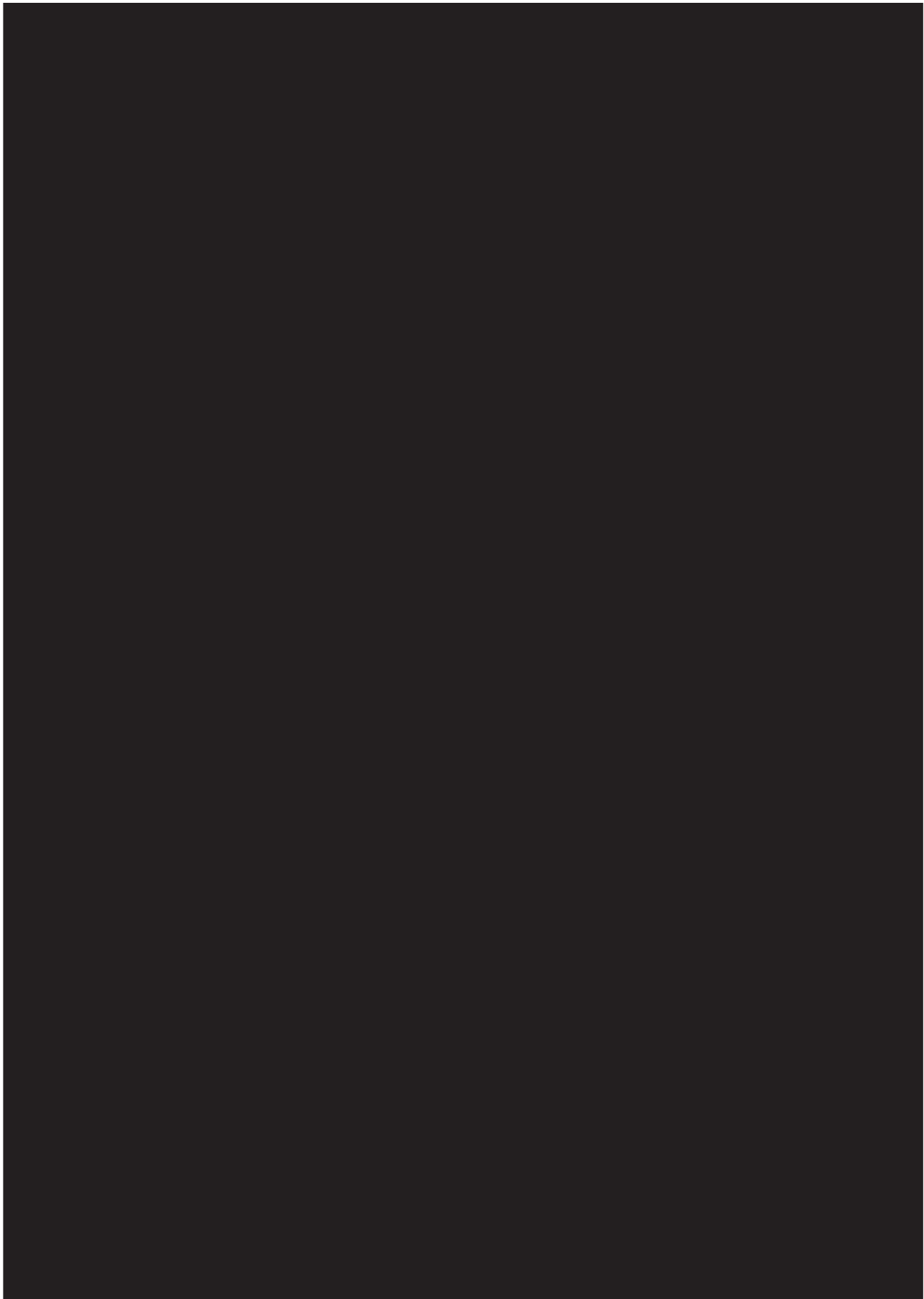












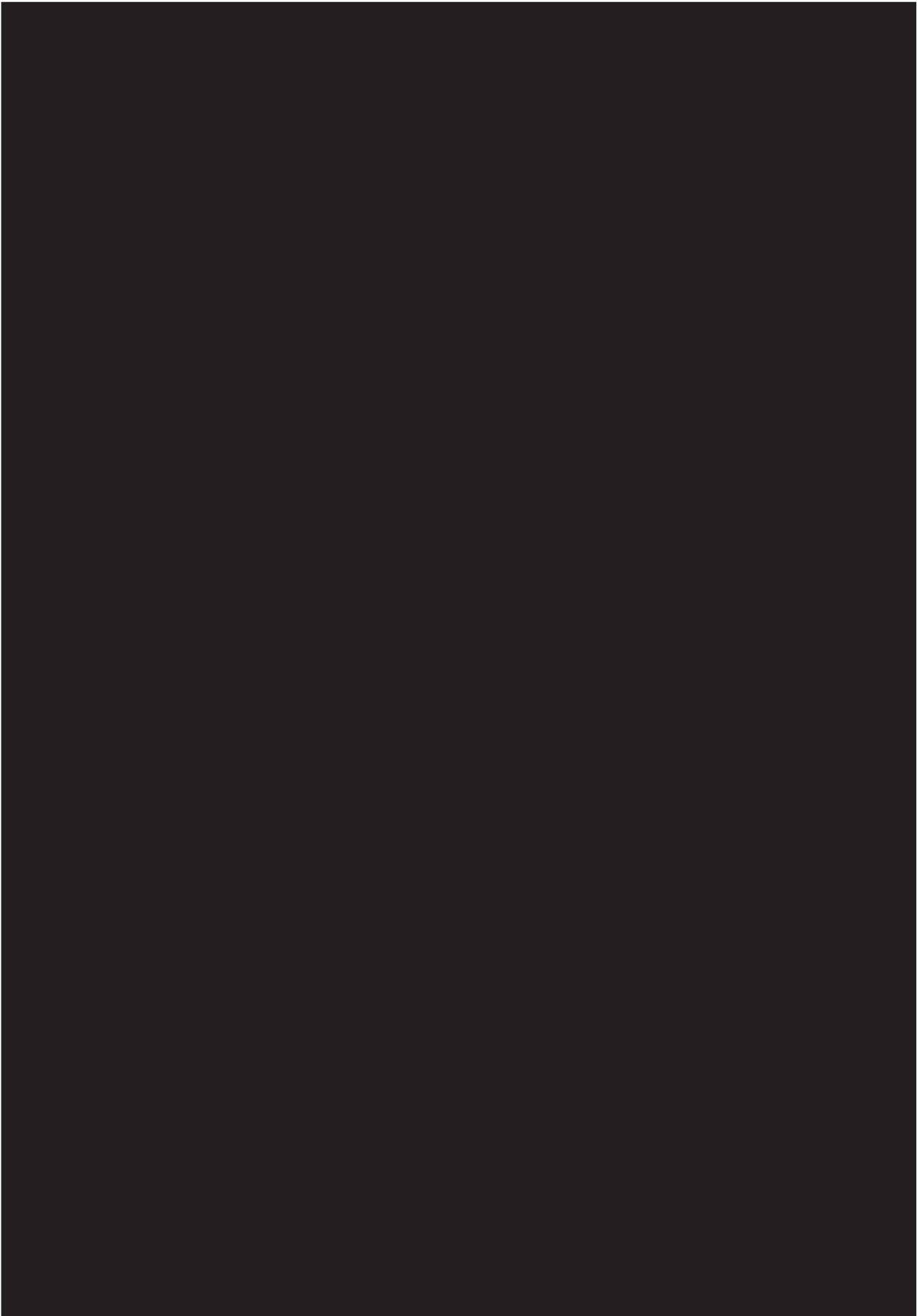




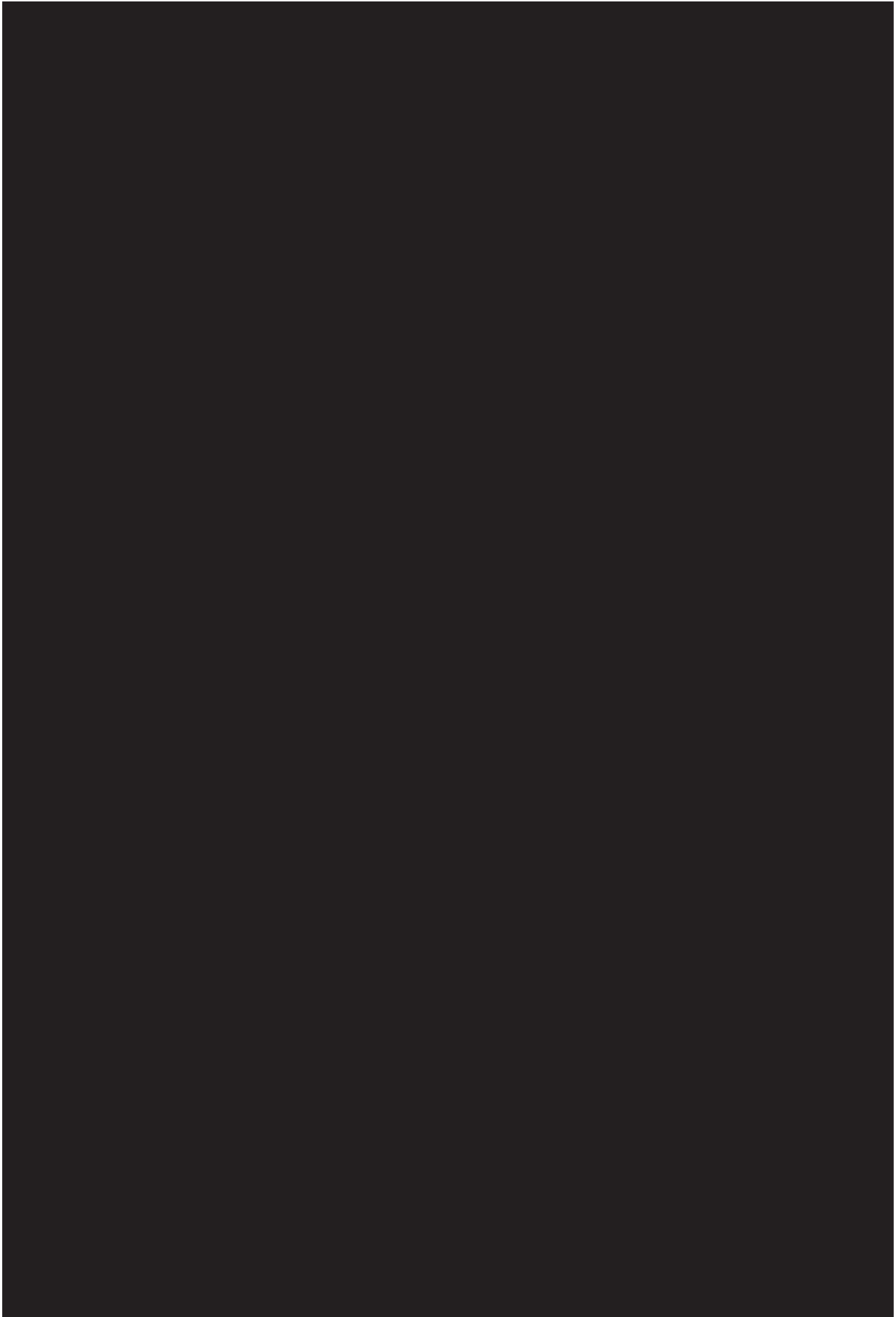


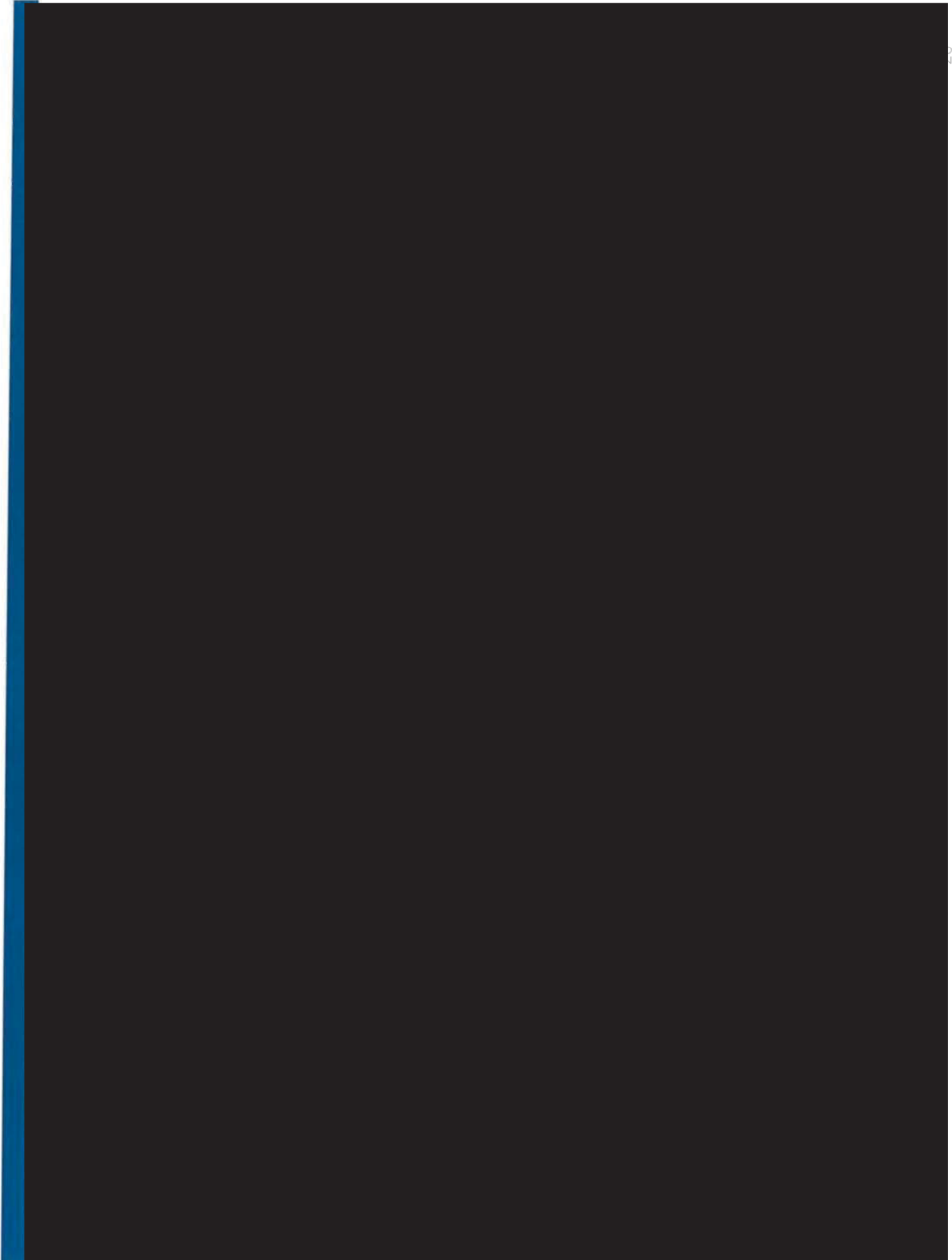










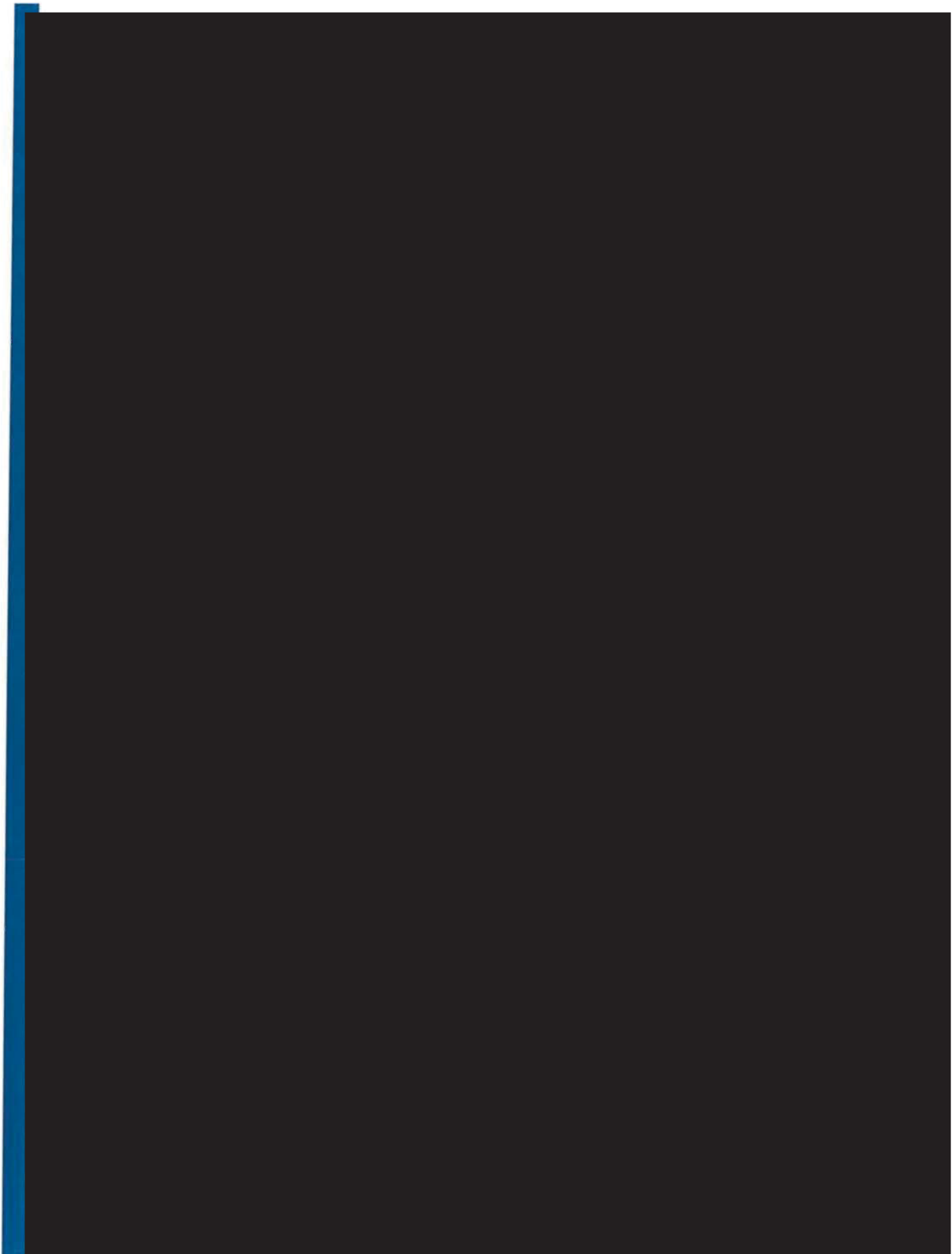


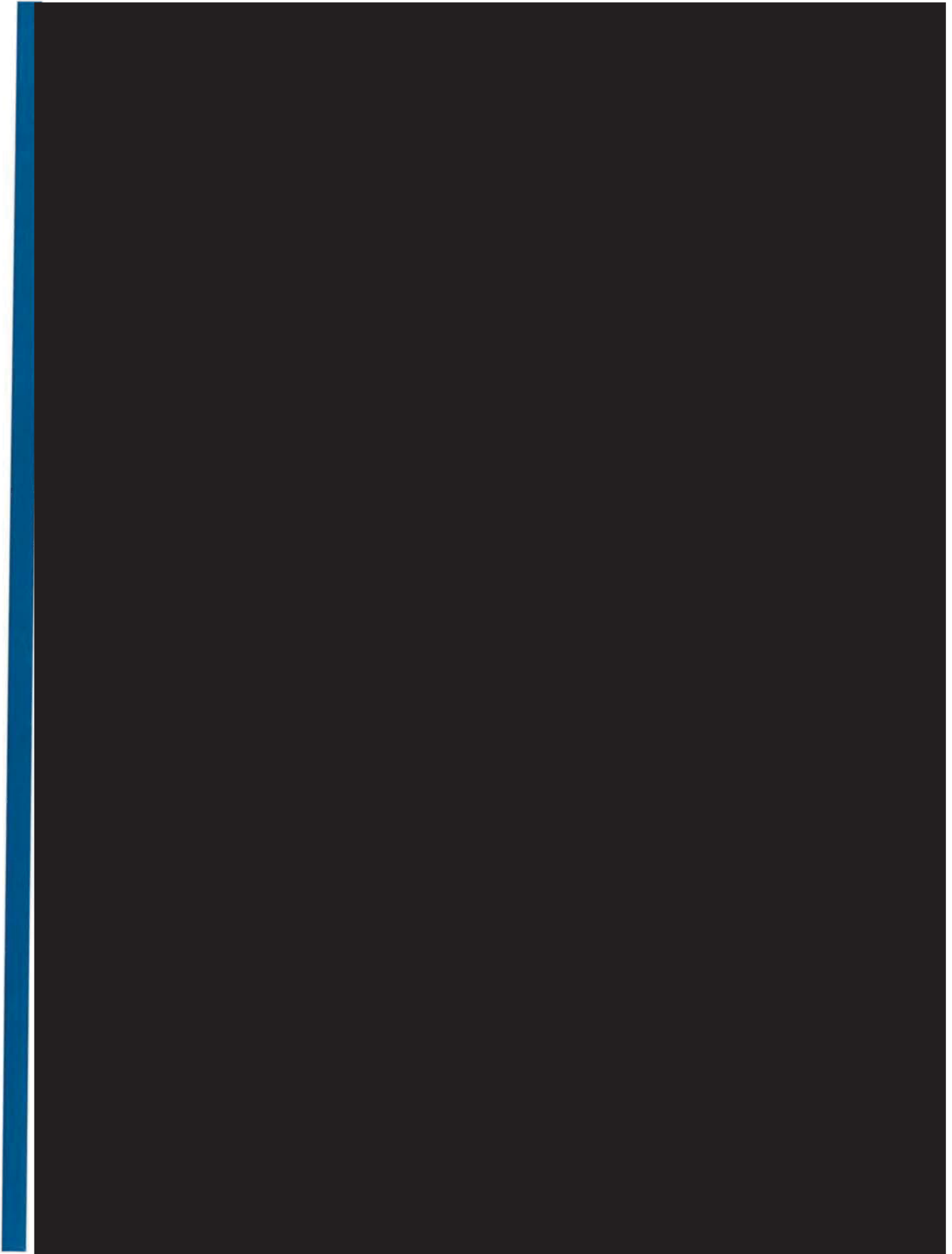














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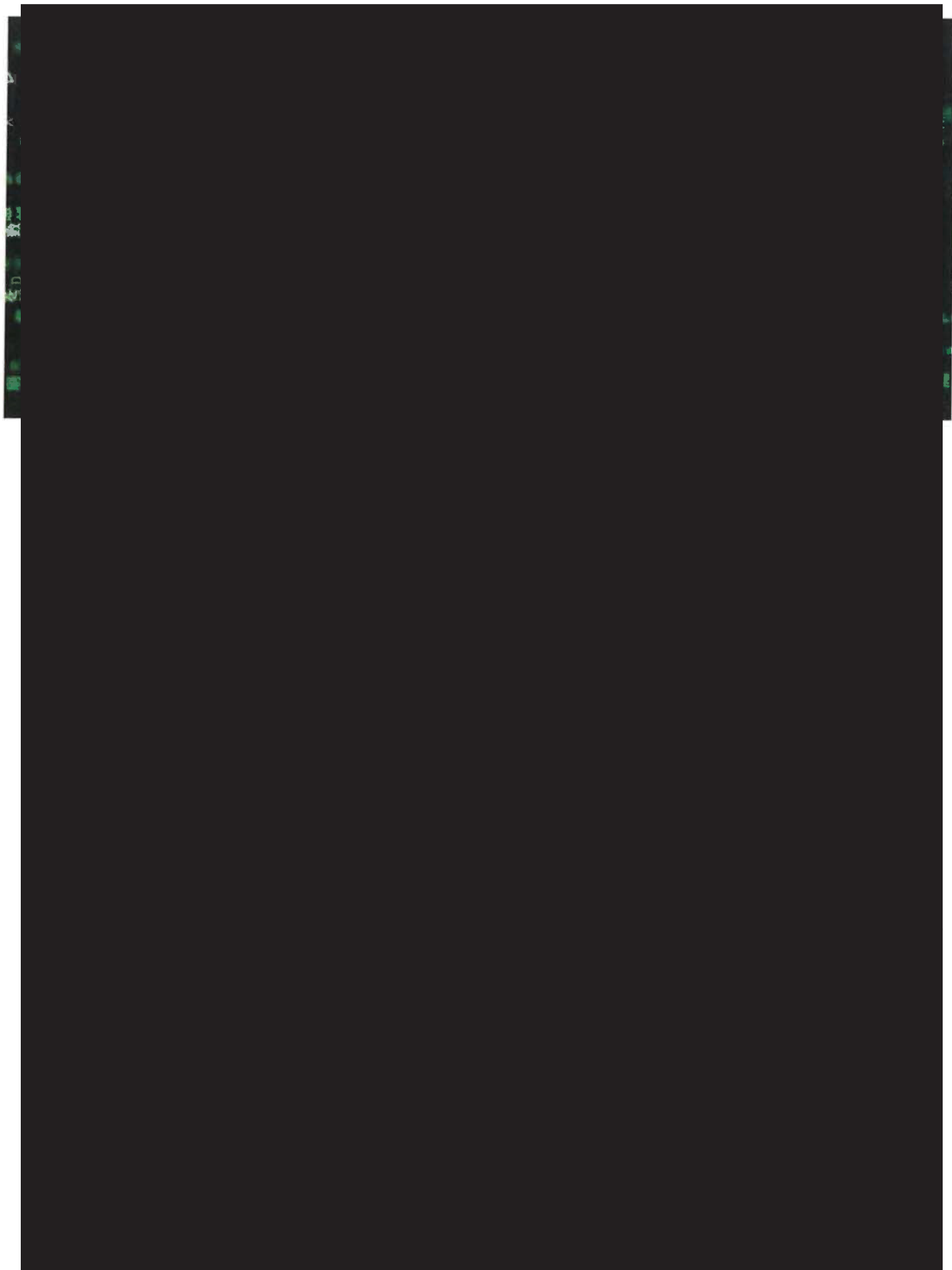
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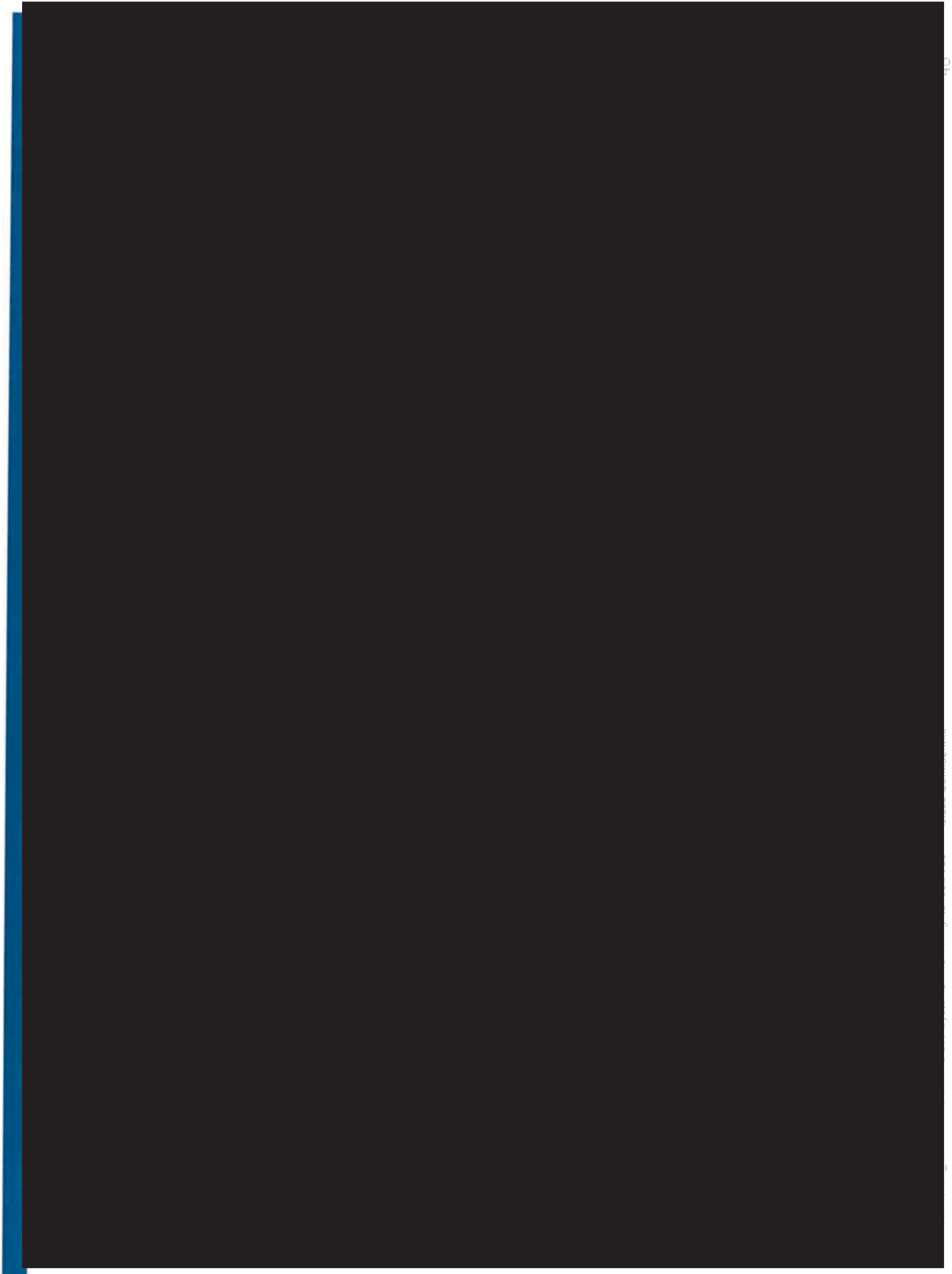
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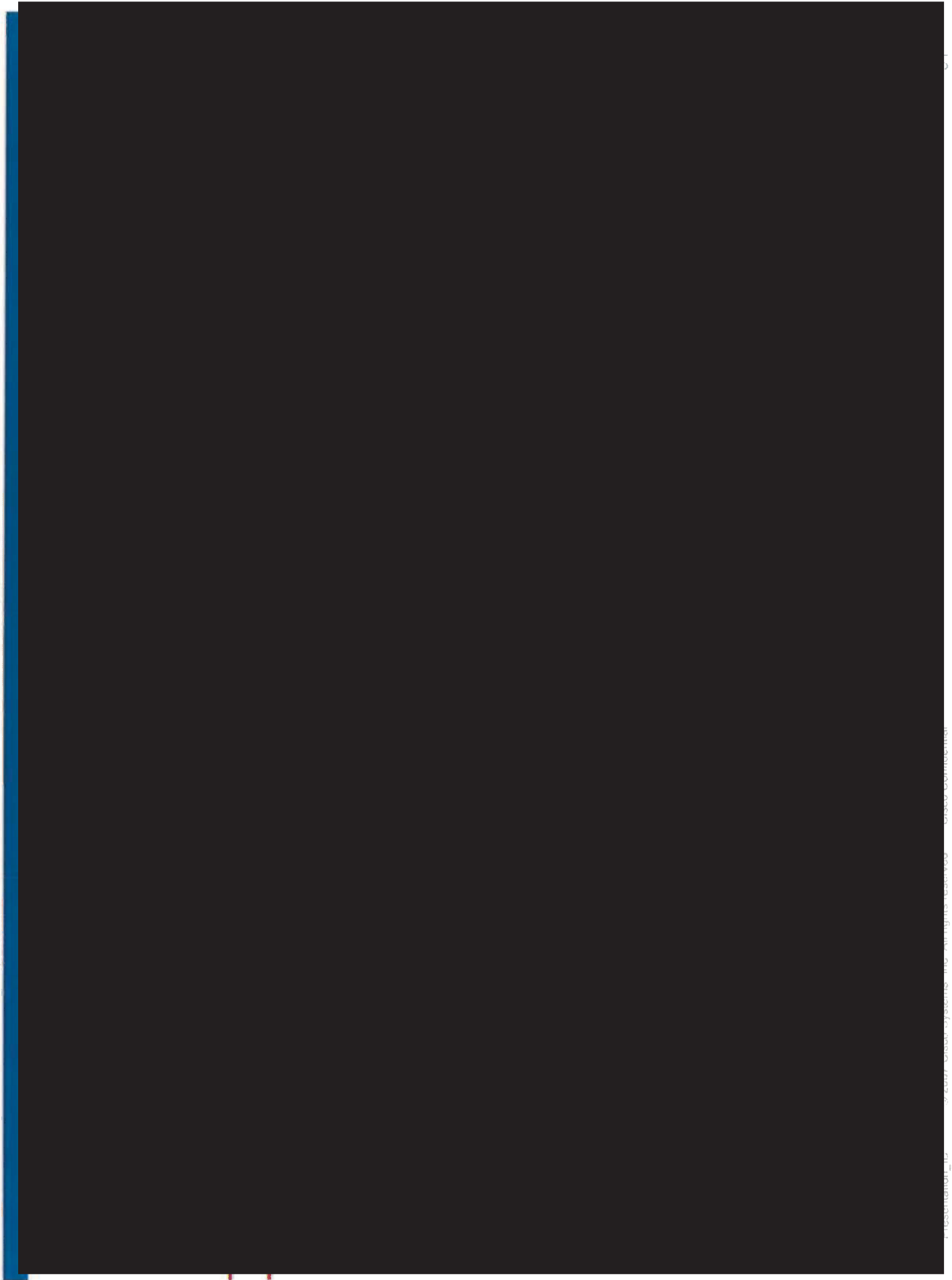
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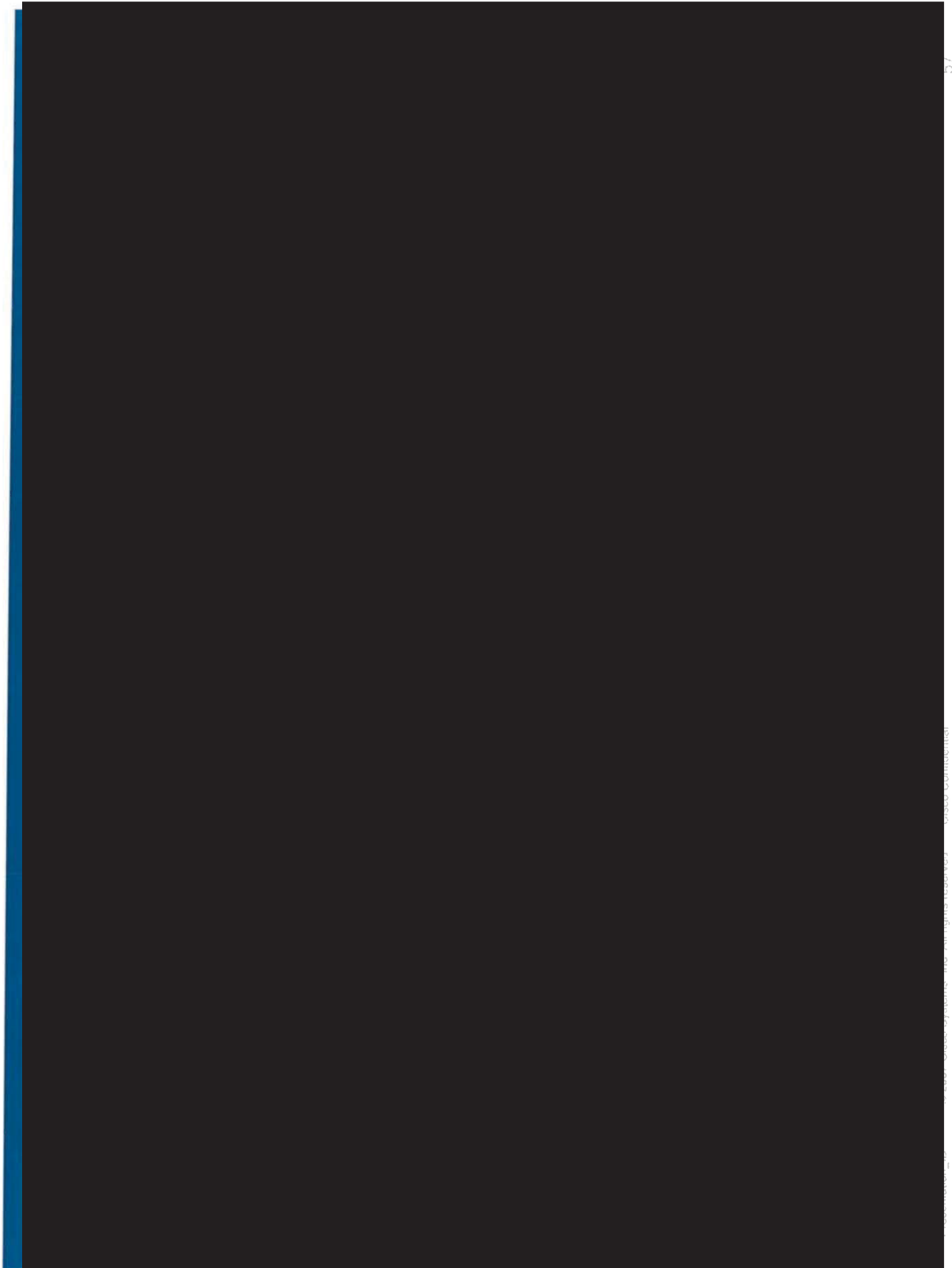




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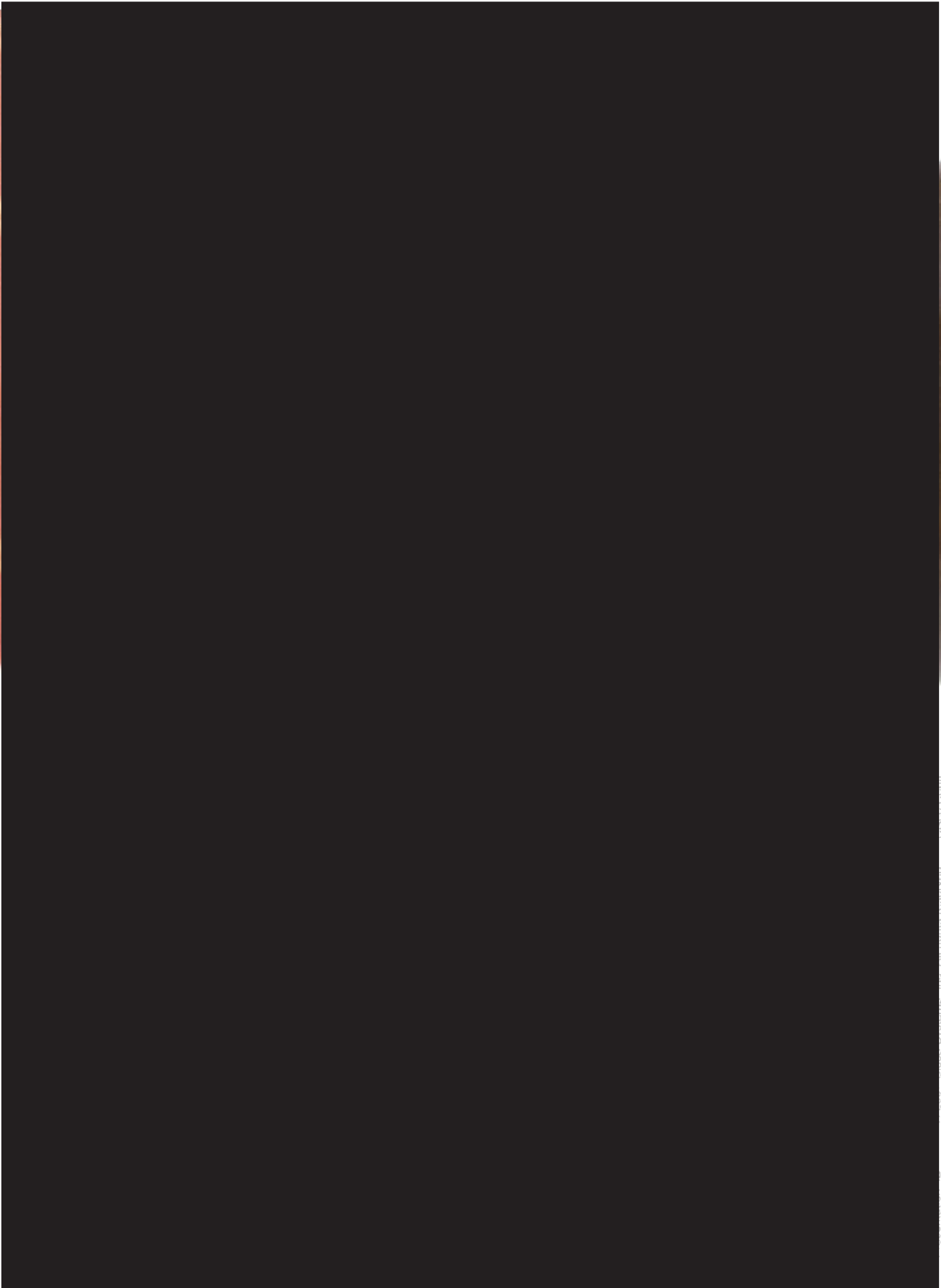
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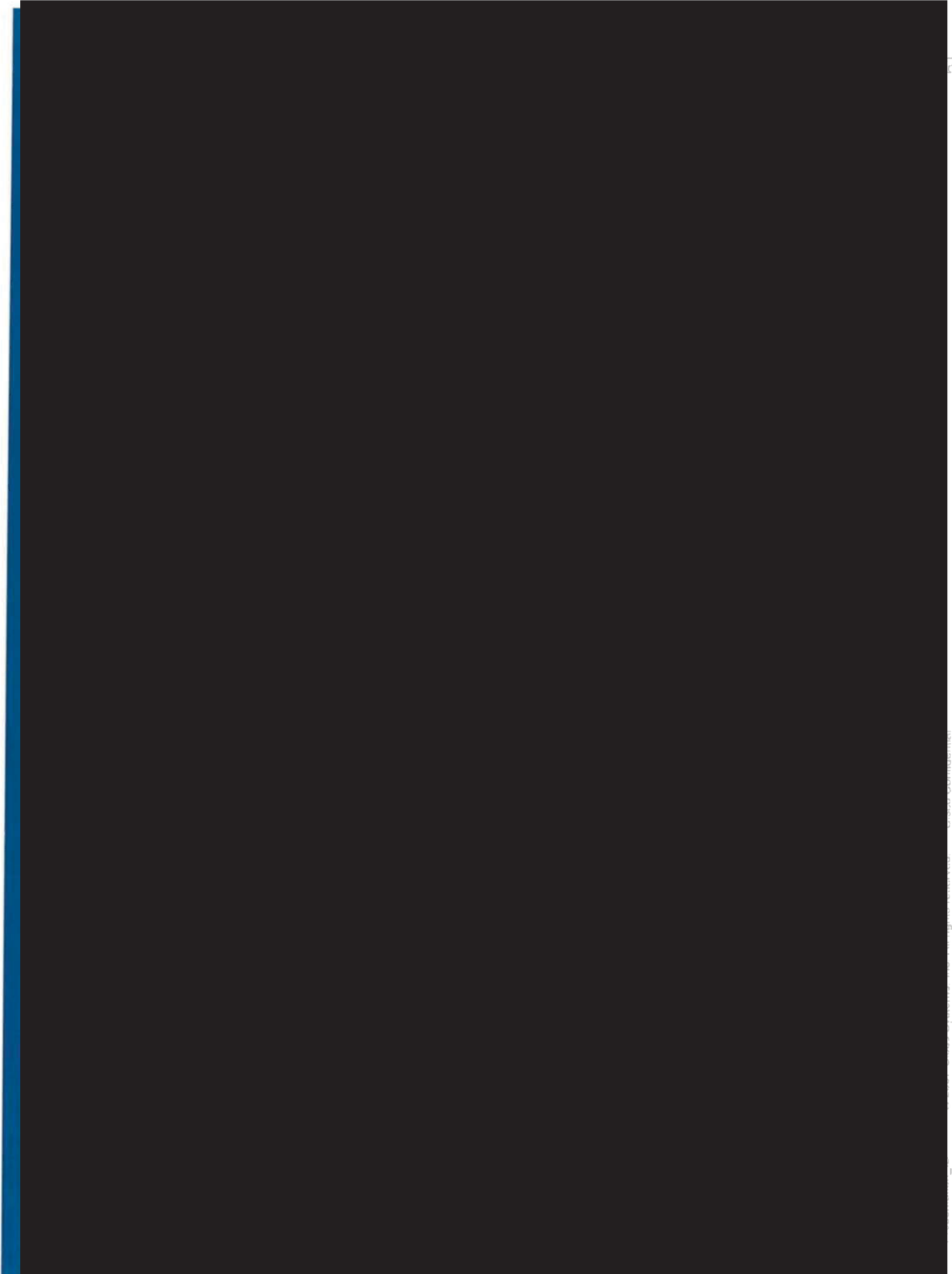




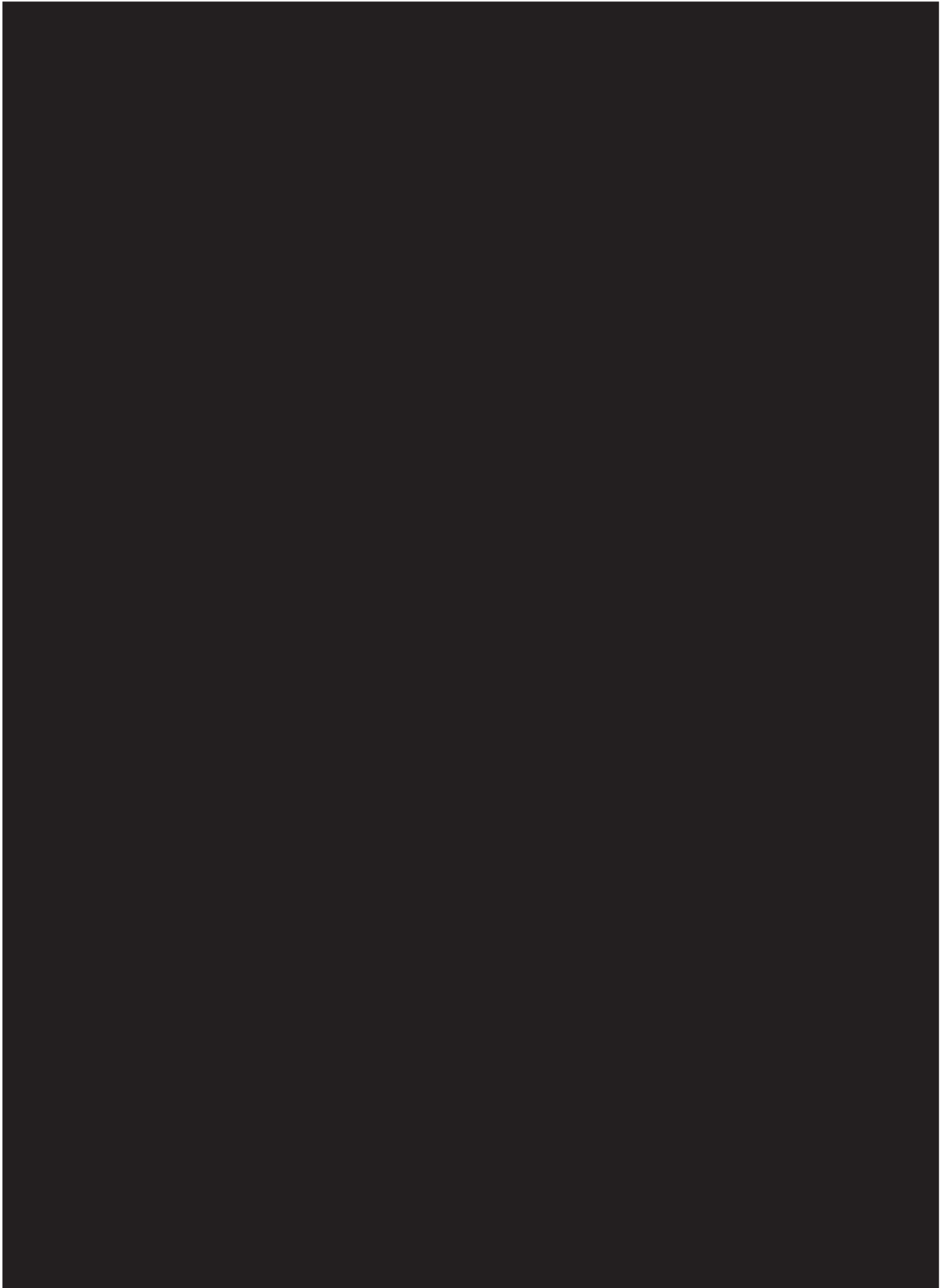
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CISCO SYSTEMS, INC.,)
)
Plaintiff,)
)
vs.) Case No. 5:14-cv-05344-BLF (PSG)
)
ARISTA NETWORKS, INC.,)
)
Defendant.)
)
_____)

VIDEOTAPED DEPOSITION OF DREW PLETCHER

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Date and Time: Thursday, May 26, 2016
9:34 a.m.

Location: Wilson Sonsini Goodrich & Rosati
650 Page Mill Road
Palo Alto, CA 94304

Reported by: Cammi R. Bowen, CSR-13492
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5	San Francisco, CA 94111	4	1212 Withdrawn due to privilege..... 216
6	Tel: (415) 875-6328	5	Exhibit
7	E-mail: Carlanderson@quinnemanuel.com	1213	Withdrawn due to privilege..... 217
8	BY: CARL G. ANDERSON, ESQ.	6	Exhibit Document Bates-stamped
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<p>1 THE VIDEOGRAPHER: Good morning. We are on 09:13:56</p> <p>2 the video record. The time is 9:34 a.m. Today's 09:34:13</p> <p>3 date is May 26th, 2016. My name is Andrea Baker, 09:34:17</p> <p>4 here with our court reporter, Cammi Bowen. We are 09:34:21</p> <p>5 here from Veritext Legal Solutions. The deposition 09:34:25</p> <p>6 is being held at 650 Page Mill Road in Palo Alto, 09:34:28</p> <p>7 California. 09:34:32</p> <p>8 The case caption is Cisco Systems, Inc. vs. 09:34:32</p> <p>9 Arista Networks, Inc. Case number 09:34:38</p> <p>10 5:14-cv-05344-BLF. 09:34:43</p> <p>11 Will all counsel please state their name 09:34:44</p> <p>12 for the record and who they represent. 09:34:47</p> <p>13 MS. MCCLOSKEY: Elizabeth McCloskey of 09:34:49</p> <p>14 Kecker & Van Nest on behalf of Arista Networks. 09:34:53</p> <p>15 MR. LABOW: Ben Labow from Wilson Sonsini 09:34:55</p> <p>16 on behalf of Arista. 09:34:58</p> <p>17 MR. ANDERSON: Carl Anderson for Cisco 09:34:59</p> <p>18 Systems and the witness. 09:35:03</p> <p>19 THE VIDEOGRAPHER: Will the court reporter 09:35:04</p> <p>20 please swear in the witness. 09:35:05</p> <p>21 THE COURT REPORTER: Raise your right hand, 09:35:05</p> <p>22 please. 09:35:05</p> <p>23 Do you swear to tell the truth, the whole 09:35:05</p> <p>24 truth, and nothing but the truth? 09:35:05</p> <p>25 WITNESS: I do. 09:35:13</p> <p style="text-align: right;">Page 6</p>	<p>1 testifying under penalty of perjury? 09:35:37</p> <p>2 A. Yes, I do. 09:35:39</p> <p>3 Q. Is there any reason you can't provide 09:35:40</p> <p>4 truthful testimony today? 09:35:43</p> <p>5 A. No, there's not. 09:35:44</p> <p>6 Q. Have you ever testified in a deposition 09:35:45</p> <p>7 before? 09:35:48</p> <p>8 A. Yes, I have. 09:35:49</p> <p>9 Q. So you -- I assume you know the ground 09:35:50</p> <p>10 rules, but I'll just cover a couple of them quickly. 09:35:52</p> <p>11 If you don't understand any question that I 09:35:55</p> <p>12 ask, let me know and I'll clarify it for you. 09:35:58</p> <p>13 And -- and this is a good time to tell you 09:36:00</p> <p>14 that it's important that you give audible answers so 09:36:03</p> <p>15 that the court reporter can write down everything 09:36:06</p> <p>16 that you say. 09:36:08</p> <p>17 A. Understand. 09:36:10</p> <p>18 Q. And if you answer a question, I will assume 09:36:10</p> <p>19 that you understand my question. 09:36:13</p> <p>20 Did you do anything to prepare for your 09:36:15</p> <p>21 deposition today? 09:36:18</p> <p>22 A. The only preparation was to review my 09:36:21</p> <p>23 previous deposition testimony. 09:36:24</p> <p>24 Q. Did you meet with anyone to prepare for 09:36:28</p> <p>25 your deposition today? 09:36:32</p> <p style="text-align: right;">Page 8</p>
<p>1 THE VIDEOGRAPHER: Please begin. 09:35:13</p> <p>2 DREW PLETCHER, 09:35:11</p> <p>3 being first duly affirmed by the Certified Shorthand 09:35:11</p> <p>4 Reporter to tell the truth, the whole truth, and 09:35:11</p> <p>5 nothing but the truth, testified as follows: 09:35:11</p> <p>6 EXAMINATION 09:35:11</p> <p>7 BY MS. MCCLOSKEY: 09:35:11</p> <p>8 Q. Good morning, Mr. Pletcher. 09:35:15</p> <p>9 A. Good morning. 09:35:16</p> <p>10 Q. We met briefly off the record, but I'm 09:35:17</p> <p>11 Lizzy McCloskey, and I represent defendant Arista 09:35:18</p> <p>12 Networks in this action, and I'll be asking you some 09:35:22</p> <p>13 questions today. 09:35:25</p> <p>14 A. Okay. 09:35:26</p> <p>15 Q. Can you please state your full name for the 09:35:26</p> <p>16 record. 09:35:28</p> <p>17 A. Yes. My full name is Andrew Albert 09:35:28</p> <p>18 Pletcher. 09:35:30</p> <p>19 Q. Do you understand that you're under oath 09:35:31</p> <p>20 today? 09:35:32</p> <p>21 A. I do. 09:35:32</p> <p>22 Q. Do you understand that you're required to 09:35:32</p> <p>23 answer truthfully? 09:35:34</p> <p>24 A. Yes, I do. 09:35:35</p> <p>25 Q. And do you understand that you are 09:35:35</p> <p style="text-align: right;">Page 7</p>	<p>1 A. Met with Carl Anderson. 09:36:34</p> <p>2 Q. When did you and Mr. Anderson meet? 09:36:40</p> <p>3 A. Yesterday. 09:36:43</p> <p>4 Q. How long did you meet for? 09:36:43</p> <p>5 A. It was about four hours, five hours, 09:36:48</p> <p>6 roughly. 09:36:51</p> <p>7 Q. Did you -- did you meet with Mr. Anderson 09:36:52</p> <p>8 in person? 09:36:55</p> <p>9 A. Yes. 09:36:55</p> <p>10 Q. Okay. Did you discuss your deposition with 09:36:55</p> <p>11 anyone, other than Mr. Anderson? 09:36:58</p> <p>12 A. No, I have not. 09:37:00</p> <p>13 Q. Did you discuss your deposition with anyone 09:37:01</p> <p>14 else from Cisco? 09:37:05</p> <p>15 A. No, I have not. 09:37:05</p> <p>16 Q. Did you review any documents yesterday with 09:37:06</p> <p>17 Mr. Anderson? 09:37:07</p> <p>18 MR. ANDERSON: Going to caution the witness 09:37:07</p> <p>19 not to reveal the contents of any privileged 09:37:09</p> <p>20 attorney-client communications. If you can answer 09:37:12</p> <p>21 the question without revealing privileged 09:37:14</p> <p>22 communications, you can do so. 09:37:17</p> <p>23 THE WITNESS: We reviewed the -- my 09:37:19</p> <p>24 testimony from the previous deposition for the ITC 09:37:23</p> <p>25 Section 2 case. 09:37:29</p> <p style="text-align: right;">Page 9</p>

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1 Q. Did you know any of the early people in 12:00:15
 2 that time, 2008 time period, who worked at Cisco? 12:00:16
 3 I mean -- excuse me -- who worked at 12:00:21
 4 Arista? 12:00:22
 5 A. I had met Andy Bechtolsheim, you know, at 12:00:24
 6 some point. I knew Mark Foss. I had worked with 12:00:29
 7 him on some projects when I was in one of the 12:00:33
 8 business units. 12:00:37
 9 At that time, I -- I really didn't know a 12:00:47
 10 lot of the people. As they progressed, you know -- 12:00:50
 11 in 2009, 2010, as they were hired, there were other 12:00:53
 12 people that I knew. 12:00:57
 13 Q. To the best of your understanding, when was 12:00:59
 14 the first time that Cisco became aware of Arista as 12:01:00
 15 a competitor? 12:01:04
 16 MR. ANDERSON: Objection. Lacks 12:01:06
 17 foundation, calls for speculation. 12:01:07
 18 THE WITNESS: Don't know. I -- I know when 12:01:11
 19 I became aware of it, only because they were 12:01:14
 20 positioning into a space that I focused on. 12:01:19
 21 BY MS. MCCLOSKEY: 12:01:23
 22 Q. Well, in 2008, when you became aware of 12:01:24
 23 Arista, did you talk to other people at Cisco about 12:01:26
 24 Arista? 12:01:30
 25 A. No. 12:01:31

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1 Q. You don't recall any conversations? 12:01:31
 2 A. I don't recall -- I don't recall 12:01:32
 3 conversations, no. 12:01:34
 4 Q. To the best of your recollection, who at 12:01:35
 5 Cisco was first tasked with learning more about 12:01:38
 6 Arista? 12:01:41
 7 MR. ANDERSON: Objection. Lacks 12:01:47
 8 foundation. 12:01:49
 9 THE WITNESS: The team that I mentioned 12:01:49
 10 previously under Roy Osterberg, would have been the 12:01:50
 11 team to look at that. 12:01:54
 12 BY MS. MCCLOSKEY: 12:01:56
 13 Q. Do you have any understanding of when Roy 12:01:57
 14 Osterberg's team started to learn more about Arista? 12:02:00
 15 A. No. 12:02:05
 16 Q. When you wanted to learn more about Arista 12:02:09
 17 personally, did you access -- did you rely on any 12:02:12
 18 other types of sources beyond, as you said, Arista's 12:02:15
 19 marketing? 12:02:19
 20 A. Data sheets, public data sheets. 12:02:19
 21 Q. What about from customers? 12:02:26
 22 A. No. 12:02:30
 23 Q. You don't recall learning about Arista from 12:02:32
 24 customers? 12:02:35
 25 A. No. I did not learn about Arista from 12:02:35

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1 customers. 12:02:37
 2 Q. Do you recall learning more information 12:02:38
 3 about Arista from customers? 12:02:40
 4 A. No. 12:02:42
 5 Q. I am going to show you two exhibits. The 12:02:44
 6 first is Exhibit 1201. 12:02:55
 7 (Defendants' Exhibit 1201, Document 12:02:56
 8 entitled "Information about 12:02:56
 9 CSI-ANI-00056464," was marked for 12:02:56
 10 identification.) 12:02:57
 11 MS. MCCLOSKEY: And the second is 12:03:04
 12 Exhibit 1202. And ... 12:03:06
 13 (Defendants' Exhibit 1202, Document 12:31:47
 14 entitled "Arista Competitive Overview," 12:31:47
 15 Bates number CSI-ANI-00056464, was marked 12:31:47
 16 for identification.) 12:03:27
 17 BY MS. MCCLOSKEY: 12:03:27
 18 Q. The 1202 is Bates-numbered. It's produced 12:03:28
 19 in native, and so the Bates number is not on the 12:03:30
 20 document. But it is CSI-ANI-00056464. 12:03:33
 21 Mr. Pletcher, do you recognize this bigger 12:03:42
 22 document, the Arista competitive overview? 12:03:46
 23 And I see you've turned to a page, but I'm 12:03:50
 24 actually just asking you, in general, if you 12:03:53
 25 recognize this document. 12:03:56

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1 A. I am aware of the document, yes. 12:03:57
 2 Q. What do you mean, you're aware of that? 12:03:59
 3 A. I recognize the document. 12:04:00
 4 Q. Okay. And do you see on the first page 12:04:01
 5 that your name is on the document? 12:04:03
 6 A. I do so. 12:04:05
 7 Q. Along with two individuals we've already 12:04:06
 8 talked about today: Mr. Duncan and Mr. -- I'm going 12:04:09
 9 to say it wrong, but Srivatsa? 12:04:13
 10 A. You said it correctly, yes. 12:04:14
 11 Q. Thank you. 12:04:17
 12 So I see you've turned to a certain page in 12:04:17
 13 the document. Why is that? 12:04:20
 14 A. Because out of this entire document and 12:04:22
 15 the -- I provided these three slides to Chalon and 12:04:26
 16 Pramod to include in their presentation. 12:04:34
 17 Q. Sure. 12:04:36
 18 Can you point me to which slides you're 12:04:37
 19 talking about? 12:04:41
 20 A. Slides 33, 34, and 35. 12:04:41
 21 Q. How did you be -- come to provide slides 12:04:44
 22 33, 34, and 35 to Chalon -- Mr. Duncan and 12:04:49
 23 Mr. Srivatsa? 12:04:54
 24 A. I actually did the testing, and this is the 12:04:54
 25 results that actually came out of the applications I 12:04:59

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1 used to test on both the Nexus 5020 and a Arista 12:05:01
 2 7148SX. 12:05:07
 3 (The court reporter asked for 12:05:13
 4 clarification.) 12:05:13
 5 THE WITNESS: 5020, and the Arista 7148. 12:05:07
 6 BY MS. MCCLOSKEY: 12:05:14
 7 Q. And why did -- well, withdrawn. 12:05:14
 8 Did Mr. Duncan and Mr. Srivatsa ask you to 12:05:17
 9 perform this testing that's reflected on slides 33, 12:05:22
 10 34, and 35? 12:05:28
 11 A. No. This was just general testing that I 12:05:29
 12 did in the lab across multiple products. They just 12:05:33
 13 asked for the Arista slides. 12:05:39
 14 Q. So I want to make sure I'm clear. 12:05:48
 15 You had already performed the testing 12:05:50
 16 that's reflected in these slides at the time 12:05:52
 17 Mr. Duncan and Mr. Srivatsa asked you for this 12:05:56
 18 information. 12:06:00
 19 A. Yes. 12:06:01
 20 Q. Did you prepare the slides or did you just 12:06:01
 21 provide the data? 12:06:04
 22 A. I may have provided the slides. I don't 12:06:05
 23 recall, to be honest. 12:06:14
 24 Q. Sure. 12:06:15
 25 And I understand that you just prepared 12:06:16

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1 three of the slides in this document. 12:06:19
 2 Do you recall seeing this document? 12:06:22
 3 A. Not in its entirety, no. I was not 12:06:28
 4 involved in preparing the document or presenting 12:06:31
 5 this in any way. 12:06:34
 6 Q. If you turn to page 3 of the document, 12:06:44
 7 there's an agenda. 12:06:46
 8 Do you have an understanding of where this 12:06:47
 9 document was presented? 12:06:50
 10 A. To be honest, I don't recall. I don't 12:06:52
 11 know. 12:06:55
 12 Q. Do you have an understanding of who this 12:06:55
 13 document was distributed to? 12:06:56
 14 A. I do not. 12:06:58
 15 Q. Do you recall when you prepared the slides 12:06:59
 16 33, 34, and 35? 12:07:05
 17 A. To be honest, I'd -- I would have to refer 12:07:08
 18 back to all my test data. 12:07:11
 19 Q. Sure. 12:07:13
 20 A. Because those -- those slides were created, 12:07:13
 21 or that information was created as part of a series 12:07:17
 22 of -- of tests that I did. 12:07:19
 23 Q. Do you recall generally when you performed 12:07:21
 24 that series of tests? 12:07:23
 25 A. Yeah. 2008, 2009, 2010. 12:07:32

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1 I run -- I run tests all the time. So 12:07:38
 2 it -- it would have been somewhere inside that 12:07:41
 3 window, prior to this presentation. I -- I can't 12:07:43
 4 give you a specific date, unless I refer back to, 12:07:46
 5 you know -- 12:07:52
 6 Q. Sure. 12:07:52
 7 Well, let's talk -- talk about the other 12:07:53
 8 document I handed you, Exhibit 1201. 12:07:56
 9 And I'll represent to you that 1201 is the 12:08:01
 10 metadata for 1202, which is the presentation. And 12:08:04
 11 there's two dates along the side here, but it looks 12:08:07
 12 like the document was created on May 8th, 2007. 12:08:11
 13 Does -- do the dates here provide -- 12:08:16
 14 refresh your recollection at all as to when you 12:08:19
 15 prepared the data reflected in 33, 34, and 35? 12:08:21
 16 A. No. Because it's -- I don't know when 12:08:26
 17 those slides were added to this presentation, when 12:08:31
 18 this presentation was done. 12:08:34
 19 Q. Okay. 12:08:35
 20 A. It is -- it's quite possible that this 12:08:36
 21 document went through multiple iterations. 12:08:37
 22 Q. Sure. 12:08:41
 23 So the document was last modified on 12:08:42
 24 February 13th, 2009. 12:08:45
 25 Does that refresh your recollection that 12:08:47

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1 this -- that this testing you did was done before 12:08:48
 2 February 13th, 2009? 12:08:52
 3 MR. ANDERSON: Objection. Document speaks 12:08:53
 4 for itself. 12:08:55
 5 You can answer. 12:08:56
 6 THE WITNESS: Yeah, it -- going back to 12:08:57
 7 what I testified to, this could have happened in 12:08:58
 8 late 2008, 2009 window. I -- I don't recall 12:09:02
 9 specific dates when it was done. 12:09:05
 10 BY MS. MCCLOSKEY: 12:09:07
 11 Q. When did you first acquire an Arista 12:09:07
 12 switch? 12:09:10
 13 A. I never acquired an Arista switch. 12:09:10
 14 Q. When did you first do testing on an Arista 12:09:12
 15 switch? 12:09:15
 16 A. It would have been -- these would have been 12:09:15
 17 some of the first tests I did. 12:09:17
 18 Q. So -- 12:09:19
 19 A. I did late -- late 2008, early 2009. 12:09:19
 20 Q. And where did you get the Arista switch 12:09:22
 21 that you ran tests on? 12:09:25
 22 A. To the best of my recollection, I borrowed 12:09:28
 23 it from Roy Osterberg's team. 12:09:31
 24 Q. Do you have an understanding as to why 12:09:34
 25 Mr. Osterberg had an Arista switch in or about late 12:09:37

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1 what our customers deal with. So as a back-end 06:36:55	1 different type of capabilities in the network. 06:38:54
2 engineer, you're troubleshooting a Cisco box, a 06:37:00	2 One person is not locked into supporting 06:38:57
3 Juniper box, whatever these -- you know, some of 06:37:03	3 just one platform. They will support many. 06:39:00
4 these have very different interfaces. 06:37:03	4 Q. Have you ever heard a customer say that 06:39:04
5 (The reporter asked for clarification.) 06:37:11	5 another company's CLI is so unfamiliar that they 06:39:06
6 THE WITNESS: I'm sorry. 06:37:11	6 don't want to work with that device? 06:39:09
7 A Juniper box or a Cisco box, these have 06:37:11	7 A. No. 06:39:12
8 different interfaces. They become familiar with how 06:37:15	8 Q. Has CLI ever made the difference in making 06:39:14
9 to navigate. 06:37:18	9 a sale to a customer? 06:39:18
10 BY MS. MCCLOSKEY: 06:37:19	10 MR. ANDERSON: Objection. Lacks 06:39:19
11 Q. Okay. So I don't think that was my 06:37:19	11 foundation. Vague. Asked and answered. 06:39:21
12 question. Let me try one more time. And I would 06:37:37	12 BY MS. MCCLOSKEY: 06:39:23
13 just ask you to listen to my question. I know it's 06:37:24	13 Q. Let me rephrase that question. 06:39:24
14 been a really long day. 06:37:26	14 In your experience, has CLI ever been the 06:39:25
15 A. All right. 06:37:27	15 difference in making a sale to a customer? 06:39:28
16 Q. How important to it -- is it your -- 06:37:27	16 MR. ANDERSON: Objection. Vague. Asked 06:39:30
17 How important is it to your customers to 06:37:27	17 and answered. 06:39:32
18 have a familiar CLI? 06:37:29	18 THE WITNESS: Not that I'm aware of. 06:39:32
19 MR. ANDERSON: Objection. Vague. Asked 06:37:31	19 I'm -- not sitting at a customer that make the 06:39:34
20 and answered. 06:37:43	20 decision, I do not know if that is a variable and 06:39:38
21 THE WITNESS: I'm not sure how to answer 06:37:43	21 even if it was, what the weight of that was. 06:39:42
22 that without -- you know, in any other way than I 06:37:45	22 BY MS. MCCLOSKEY: 06:39:44
23 have, because the customer becomes familiar with the 06:37:48	23 Q. You've never heard it been mentioned as the 06:39:44
24 interfaces of the platforms they use. 06:37:51	24 difference in making a sale? 06:39:49
25 ///	25 A. No. 06:39:49
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1 BY MS. MCCLOSKEY: 06:37:55	1 Q. Earlier today, you testified that the only 06:39:50
2 Q. And is it important to them to maintain 06:37:56	2 standard you know of are formalized standards; is 06:39:52
3 those same platforms that they've become familiar 06:37:58	3 that correct? 06:39:52
4 with? 06:38:02	4 MR. ANDERSON: Objection. Misrepresents 06:39:55
5 MR. ANDERSON: Objection. Vague. 06:38:03	5 testimony. 06:39:56
6 THE WITNESS: They will -- those change as 06:38:04	6 THE WITNESS: My testimony was, what I 06:39:57
7 they change vendors, depending upon business and 06:38:07	7 consider a standard in -- with industry is -- are 06:39:59
8 technical requirements. 06:38:10	8 those things that are reviewed, ratified, and 06:40:04
9 BY MS. MCCLOSKEY: 06:38:10	9 published as a standard by standards boards. 06:40:09
10 Q. So you don't think it's important that the 06:38:12	10 BY MS. MCCLOSKEY: 06:40:13
11 CLI -- that the familiarity of the CLI is 06:38:14	11 Q. Are the only standards that are beneficial 06:40:14
12 maintained? 06:38:18	12 to customers those that have been reviewed, 06:40:17
13 MR. ANDERSON: Objection. Misrepresents 06:38:18	13 ratified, and published? 06:40:22
14 testimony. Vague. 06:38:20	14 A. Yes. 06:40:24
15 THE WITNESS: For the customers that I deal 06:38:22	15 Q. You testified earlier today that you have 06:40:24
16 with, they are used to using multiple CLIs -- 06:38:24	16 never seen the phrase "industry standard CLI" used 06:40:27
17 BY MS. MCCLOSKEY: 06:38:32	17 in a Cisco document. 06:40:32
18 Q. Have you -- 06:38:32	18 Do you recall that? 06:40:33
19 A. -- that are not -- non -- that are not 06:38:33	19 A. I said I don't re- -- yeah, I said I did 06:40:34
20 common. 06:38:35	20 not recall seeing that in a Cisco document. 06:40:37
21 Q. That are not common. 06:38:35	21 Q. Okay. And so you don't recall ever seeing 06:40:39
22 Like what CLIs? 06:38:37	22 that? 06:40:41
23 A. Juniper CLI versus, say, Cisco CLI, versus 06:38:39	23 A. I don't. 06:40:41
24 Palo Alto Networks, versus -- because they deal with 06:38:47	24 Q. And you don't ever recall seeing the phrase 06:40:41
25 all kinds of different platforms, providing 06:38:50	25 "de facto industry standard CLI"? 06:40:44
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<p>1 A. Not on a -- not on a Cisco document. 06:40:47</p> <p>2 Q. Do you recall ever seeing the phrase "gold 06:40:49</p> <p>3 standard CLI"? 06:40:54</p> <p>4 A. I recall seeing it on internal draft slides 06:40:54</p> <p>5 and discussions with marketing. But purely as a 06:40:59</p> <p>6 statement of value of something, it's -- it's used 06:41:03</p> <p>7 in conjunction and is really replaced by setting the 06:41:09</p> <p>8 bar. 06:41:12</p> <p>9 Q. And so have you ever seen a Cisco document, 06:41:13</p> <p>10 a Cisco presentation that refers to Cisco's CLI as 06:41:17</p> <p>11 the gold standard? 06:41:21</p> <p>12 MR. ANDERSON: Objection. Asked and 06:41:22</p> <p>13 answered. 06:41:23</p> <p>14 THE WITNESS: Not explicitly, no. 06:41:23</p> <p>15 MS. MCCLOSKEY: Okay. I have no further 06:41:26</p> <p>16 questions today. Thank you so much, Mr. Pletcher -- 06:41:28</p> <p>17 THE WITNESS: You're welcome. 06:41:28</p> <p>18 MS. MCCLOSKEY: -- for your time. 06:41:30</p> <p>19 THE VIDEOGRAPHER: This concludes today's 06:41:31</p> <p>20 deposition of Drew Pletcher. We are now going off 06:41:32</p> <p>21 the record. The time is 6:41 p.m. 06:41:36</p> <p>22 (Whereupon, the deposition of Drew</p> <p>23 Pletcher was concluded at 6:41 p.m.)</p> <p>24 --oOo--</p> <p>25</p> <p style="text-align: right;">Page 326</p>	
<p>1 CERTIFICATE OF REPORTER</p> <p>2</p> <p>3 I, CAMMI R. BOWEN, a Certified Shorthand</p> <p>4 Reporter, hereby certify that the witness in the</p> <p>5 foregoing deposition was by me duly sworn to tell the</p> <p>6 truth, the whole truth, and nothing but the truth in the</p> <p>7 within-entitled cause;</p> <p>8 That said deposition was taken down in</p> <p>9 shorthand by me, a disinterested person, at the time and</p> <p>10 place therein stated, and that the testimony of the said</p> <p>11 witness was thereafter reduced to typewriting, by</p> <p>12 computer, under my direction and supervision;</p> <p>13 Further, that if the foregoing pertains to the</p> <p>14 original transcript of a deposition in a Federal Case,</p> <p>15 before completion of the proceedings, review of the</p> <p>16 transcript [] was [X] was not requested.</p> <p>17 I further certify that I am not of counsel or</p> <p>18 attorney for either or any of the parties to the said</p> <p>19 deposition, nor in any way interested in the events of</p> <p>20 this cause, and that I am not related to any of the</p> <p>21 parties hereto.</p> <p>21 DATED: 6/6/2016</p> <p>22 <%signature%></p> <p>23 CAMMI R. BOWEN</p> <p>24 CSR #13492</p> <p>25</p> <p style="text-align: right;">Page 327</p>	

Page 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION
CISCO SYSTEMS, INC.,
Plaintiff,
vs. Case No. 5:14-cv-05344-BLF
(PSG)
ARISTA NETWORKS, INC.
Defendant.

VIDEO DEPOSITION OF DEEPAK MALIK
San Francisco, California
Thursday, May 19, 2016
Volume I

REPORTED BY:
REBECCA L. ROMANO, RPR, CSR No. 12546
JOB NO. 2309373
PAGES 1 - 202

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/////

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION
CISCO SYSTEMS, INC.,
Plaintiff,
vs. Case No. 5:14-cv-05344-BLF
(PSG)
ARISTA NETWORKS, INC.
Defendant.

DEPOSITION OF DEEPAK MALIK, taken on behalf of
the Defendant, at Keker & Van Nest, LLP,
633 Battery Street, San Francisco, California,
commencing at 9:41 a.m., Thursday, May 19, 2016, before
Rebecca L. Romano, Certified Shorthand Reporter
No. 12546.

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ALSO PRESENT:

Ramon Peraza, Videographer

/////

<p style="text-align: right;">Page 5</p> <p>1 INDEX</p> <p>2 DEPONENT EXAMINATION</p> <p>3 DEEPAK MALIK PAGE</p> <p>4 VOLUME I</p> <p>5 BY MR. FERRALL 14</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10 EXHIBITS</p> <p>11 NUMBER PAGE</p> <p>12 DESCRIPTION</p> <p>13 Exhibit 864 Email String,</p> <p>14 CSI-ANI-00098515 -</p> <p>15 CSI-ANI-00098515.000002; 49</p> <p>16</p> <p>17 Exhibit 865 Presentation, Welcome to</p> <p>18 Arista One-Day Competitive</p> <p>19 Training,</p> <p>20 CSI-ANI-00500909</p> <p>21 CSI-ANI-00500961; 64</p> <p>22</p> <p>23</p> <p>24</p> <p>25 /////</p>	<p style="text-align: right;">Page 7</p> <p>1 EXHIBITS (cont'd)</p> <p>2 NUMBER PAGE</p> <p>3 DESCRIPTION</p> <p>4 Exhibit 870 Native Version, Information</p> <p>5 About CSI-ANI-00056464; 104</p> <p>6</p> <p>7 Exhibit 871 Email String,</p> <p>8 CSI-CLI-02112360 -</p> <p>9 CSI-CLI-02112406; 108</p> <p>10</p> <p>11 Exhibit 872 Document, Arista 7048</p> <p>12 Gigabit Internet Leaf Switch</p> <p>13 Data Sheet,</p> <p>14 ARISTANDCA00268265 -</p> <p>15 ARISTANDCA00268267; 113</p> <p>16</p> <p>17 Exhibit 873 PowerPoint, Global Enterprise</p> <p>18 Theater FSI Q2 Fiscal Year</p> <p>19 '11 Electronic Trading</p> <p>20 Competitive Update, Native</p> <p>21 Version,</p> <p>22 CSI-CLI-01577353; 119</p> <p>23</p> <p>24</p> <p>25 /////</p>
<p style="text-align: right;">Page 6</p> <p>1 EXHIBITS (cont'd)</p> <p>2 NUMBER PAGE</p> <p>3 DESCRIPTION</p> <p>4 Exhibit 866 PowerPoint, Arista Competitive</p> <p>5 Network World Response</p> <p>6 SAVBU - 2/5/2010,</p> <p>7 CSI-ANI-00056446 -</p> <p>8 CSI-ANI-00056446.000032; 77</p> <p>9</p> <p>10 Exhibit 867 Article, Cisco Nexus 7000</p> <p>11 Series Simplified End to</p> <p>12 End Management,</p> <p>13 CSI-ANI-00043659 -</p> <p>14 CSI-ANI-00043659.000001; 94</p> <p>15</p> <p>16 Exhibit 868 PowerPoint, Arista Competitive</p> <p>17 Program Updates and Next Steps,</p> <p>18 CSI-ANI-00056463 -</p> <p>19 CSI-ANI-00056463.000021; 100</p> <p>20</p> <p>21 Exhibit 869 PowerPoint, Arista,</p> <p>22 CSI-ANI-00056464 -</p> <p>23 CSI-ANI-00056464.000062; 103</p> <p>24</p> <p>25 /////</p>	<p style="text-align: right;">Page 8</p> <p>1 EXHIBITS (cont'd)</p> <p>2 NUMBER PAGE</p> <p>3 DESCRIPTION</p> <p>4 Exhibit 874 Email 5/19/2011 & PowerPoint,</p> <p>5 Draft -</p> <p>6 CSI-CLI-01577417</p> <p>7 CSI-CLI-01577473; 126</p> <p>8</p> <p>9 Exhibit 875 Email String,</p> <p>10 CSI-CLI-01588645</p> <p>11 CSI-CLI-01588654; 130</p> <p>12</p> <p>13 Exhibit 876 Email & Attachment,</p> <p>14 3/29/2012,</p> <p>15 CSI-CLI-01386563</p> <p>16 CSI-CLI-01386605; 136</p> <p>17</p> <p>18 Exhibit 877 Email String,</p> <p>19 CSI-CLI-01610893</p> <p>20 CSI-CLI-01610938; 145</p> <p>21</p> <p>22 Exhibit 878 Email String,</p> <p>23 CSI-ANI-00105548 -</p> <p>24 CSI-ANI-00105548.000001; 154</p> <p>25 /////</p>

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1	EXHIBITS (cont'd)		1	EXHIBITS (cont'd)	
2	NUMBER	PAGE	2	NUMBER	PAGE
3	DESCRIPTION		3	DESCRIPTION	
4	Exhibit 879 Email String,		4	Exhibit 889 PowerPoint, Network	
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23	Exhibit 884 PowerPoint, Beat Arista		23		
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1	EXHIBITS (cont'd)		1	San Francisco, California; May 19, 2016	
2	NUMBER	PAGE	2	9:41 a.m.	
3	DESCRIPTION		3	---o0o---	
4	Exhibit 885 PowerPoint, Arista Files		4		
5	for IPO Highlights 3/31/2014,		5	THE VIDEOGRAPHER: Good morning. We are	09:41:40
6	CSI-ANI-00501043 -		6	on the record at 9:41 a.m. on May 19th, 2016. This	
7	CSI-ANI-00501058;	187	7	is the videotaped deposition of Mr. Deepak Malik.	
8			8	My name is Roman Peraza, here with our	
9	Exhibit 886 Email String,		9	court reporter, Rebecca Romano. We are here from	
10	CSI-ANI-00090557 -		10	Veritext Legal Solutions at the request of counsel	09:41:56
11	CSI-ANI-00090557.000003;	189	11	for the defendant.	
12			12	This deposition is being held at	
13	Exhibit 887 Miscellaneous Screen		13	Keker & Van Nest in San Francisco.	
14	Shots,		14	The caption of this case is	
15	CSI-ANI-00056507 -		15	Cisco Systems, Inc., versus Arista Networks, Inc.,	09:42:06
16	CSI-ANI-00056507.000001;	193	16	Case No. 5:14-cv-05344-BLF (PSG).	
17			17	Please note that audio and video	
18	Exhibit 888 PowerPoint, Why a Bare		18	recording will take place unless all parties have	
19	Metal Switch Running		19	agreed to go off the record.	
20	Cumulus Linux,		20	Microphones are sensitive and may pick up	09:42:30
21	CSI-ANI-00096524 -		21	whispers or private conversations.	
22	CSI-ANI-00096524.000044;	194	22	At this time, Counsel, please identify	
23			23	yourselves for the record and state whom you	
24			24	represent.	
25	/////		25	MR. FERRALL: Brian Ferrall on behalf of	09:42:40

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<p>1 A. Yes. 01:14:32</p> <p>2 Q. Okay. And you would have received this,</p> <p>3 right?</p> <p>4 A. That's correct.</p> <p>5 Q. Okay. I notice on page 15, you are -- 01:14:38</p> <p>6 you are listed as a team member in the sales</p> <p>7 organization; is that -- was that accurate?</p> <p>8 A. It's not accurate.</p> <p>9 Q. Where -- where should have you -- should</p> <p>10 you have been listed there? 01:14:56</p> <p>11 A. Services, yeah.</p> <p>12 Q. Okay. Is services --</p> <p>13 A. It's not listed here.</p> <p>14 Q. Okay.</p> <p>15 A. Yeah. It's -- I think they just lumped, 01:15:06</p> <p>16 because I'm in the field.</p> <p>17 Q. Okay. Fair enough.</p> <p>18 If you look at page 3 of this exhibit --</p> <p>19 A. Uh-huh.</p> <p>20 Q. -- there's a slide entitled "Brief Arista 01:15:16</p> <p>21 History and Cisco Mobilization."</p> <p>22 Do you see that?</p> <p>23 A. I do.</p> <p>24 Q. All right. And the first entry in 2008</p> <p>25 says: 01:15:28</p>	<p>1 which we discussed already. Not the microbursts 01:16:22</p> <p>2 specifically.</p> <p>3 Q. Okay. And the 2010 entry here on page 3</p> <p>4 confirms what I -- what I think was your belief,</p> <p>5 that Cheetah Street started -- 01:16:35</p> <p>6 A. Yes.</p> <p>7 Q. -- in 2010, right?</p> <p>8 A. Yeah.</p> <p>9 MR. FERRALL: All right. Okay. Put that</p> <p>10 aside. 01:16:45</p> <p>11 Let's mark that, please.</p> <p>12 (Exhibit 869 was marked for identification</p> <p>13 the court reporter and is attached hereto.)</p> <p>14 Q. (By Mr. Ferrall) 869 is a document just</p> <p>15 with the title -- it's a PowerPoint with the title 01:17:36</p> <p>16 "Arista," and it was Control No. CSI-ANI-00056464</p> <p>17 through page 62.000062.</p> <p>18 Take a moment to glance through it, and</p> <p>19 let me know when you are done.</p> <p>20 A. Okay. Thank you. 01:18:09</p> <p>21 Okay.</p> <p>22 Q. You understand Exhibit 869 is a</p> <p>23 presentation prepared by the three Cisco employees</p> <p>24 who are listed on the front?</p> <p>25 A. Yes, that's correct. 01:20:25</p>
Page 102	Page 104
<p>1 Arista emerged as a competitor 01:15:28</p> <p>2 with high-profile wins in the</p> <p>3 high-frequency trading space and</p> <p>4 financials.</p> <p>5 Do you see that? 01:15:34</p> <p>6 A. Yes, I do.</p> <p>7 Q. Okay. Does this refresh your memory at</p> <p>8 all about Arista's involvement in the</p> <p>9 high-frequency trading space in 2008?</p> <p>10 A. This does, yeah. It's been a while, but, 01:15:45</p> <p>11 yeah, this market was towards the end of -- you</p> <p>12 know, near the 2010 area, so if this is saying in</p> <p>13 2008, then that's accurate.</p> <p>14 Q. Okay. And the next -- in 2009, the entry</p> <p>15 says: 01:16:03</p> <p>16 Cisco responded with, quote,</p> <p>17 microburst, close quote,</p> <p>18 counter-messaging and targeted</p> <p>19 programs to slow Arista.</p> <p>20 Do you see that? 01:16:12</p> <p>21 A. Yes.</p> <p>22 Q. Do you remember what that Cisco response</p> <p>23 entailed?</p> <p>24 A. Not off the top of my head, no. I</p> <p>25 remember Cheetah Street, which is the next after, 01:16:19</p>	<p>1 Q. I think we -- we talked about 01:20:29</p> <p>2 Mr. Srivatsa, and we talked about Mr. Duncan.</p> <p>3 Do you know Mr. Pletcher, Drew Pletcher?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And what was his role at -- at 01:20:40</p> <p>6 Cisco, or what is his role at Cisco?</p> <p>7 A. His role today, he covers a -- he's a</p> <p>8 systems engineer. He covers some of the</p> <p>9 cloud-based accounts in the sales organization.</p> <p>10 Q. I don't know if you could tell from -- 01:20:58</p> <p>11 from glancing through Exhibit 869 the approximate</p> <p>12 date of this presentation?</p> <p>13 A. I can't, but one thing I can deduce just</p> <p>14 from the title of the gentlemen's that are here,</p> <p>15 this presentation is probably 2008 or '9-ish, 01:21:12</p> <p>16 around there.</p> <p>17 Q. Okay. I think that was a pretty good</p> <p>18 estimate. I'm going to --</p> <p>19 A. Okay.</p> <p>20 Q. -- I'm going to show you -- why don't we 01:21:32</p> <p>21 mark this, and this is the -- sorry.</p> <p>22 (Exhibit 870 was marked for identification</p> <p>23 the court reporter and is attached hereto.)</p> <p>24 Q. (By Mr. Ferrall) Exhibit 870 is the</p> <p>25 printout of the properties for the native version 01:21:48</p>

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1 it to me. 04:44:40
2 Q. Okay. I just notice that there's --
3 there's no -- you know, other than what the
4 attorneys put on --
5 A. Uh-huh. 04:44:50
6 Q. -- there's no confidentiality indication
7 on it, and so I am wondering whether -- your
8 understanding whether this document really is
9 confidential?
10 MS. JENKINS: Objection. Calls for 04:45:04
11 speculation.
12 THE DEPONENT: I don't know. It was
13 forwarded to me from -- like I said, so I -- I
14 looked at it.
15 Q. (By Mr. Ferrall) Okay. Do you recall 04:45:11
16 having any reaction to the -- the results of
17 Nomura's testing?
18 A. Nothing specifically. I mean, the
19 results are the results, and it's -- it's their
20 perception of how they specifically tested these 04:45:30
21 two products in their specific environment, so it
22 doesn't really call out one product to the another.
23 It's specific to the customer.
24 Q. Was there any follow-up with -- with
25 Nomura that you remember following -- following 04:45:46

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1 this test? 04:45:48
2 A. Not with me specifically, but if there
3 were from the account team, then that could have
4 been possible.
5 Q. Do you know if the -- the testing that's 04:45:59
6 described here in Exhibit 889 -- was that the
7 precursor to a particular deal?
8 A. I don't know. I would have to have ask
9 the sales team.
10 Q. If you look at the second-to-last page 04:46:34
11 or --
12 A. Okay.
13 Q. -- it's the page ending in 024 in the
14 small numbers at the bottom.
15 A. Okay. 04:46:44
16 Q. This is a page entitled "General CLI."
17 Do you see that?
18 A. Yes, I do.
19 Q. Okay. And can you just read the first
20 paragraph in -- in this page? 04:47:00
21 A. The Cisco Nexus provides a standard CLI
22 as you would expect from a standard Cisco Nexus
23 device. The Arista is very similar to Cisco CLI
24 with a mix between IOS and NX-OS; however, it
25 lacks some of the additional information that you 04:47:19

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1 would get from the Cisco output. 04:47:21
2 Q. Okay. Do you remember reading that when
3 you got this document in 2011?
4 A. No.
5 Q. Do you recall any discussion amongst your 04:47:34
6 colleagues at Cisco about the fact that Nomura
7 observers Arista having a similar CLI to Cisco's?
8 A. No.
9 Q. Okay. I think I neglected to ask you --
10 A. Yes. 04:47:58
11 Q. -- about your education.
12 A. Okay.
13 Q. What's your -- what degrees do you have?
14 A. I have a bachelor's in computer science,
15 Bachelor's of Science, and then I have a master's 04:48:07
16 in information systems.
17 Q. And where did you get those degrees?
18 A. The first one was at Long Island
19 University -- I'm sorry. The first one is Dowling
20 College, and the second one is Long Island 04:48:19
21 University.
22 Q. Okay. Bear with me just a second.
23 In the statement of the high-speed
24 switching market that you are most familiar with,
25 who you would identify as Cisco's, say, top five 04:49:17

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1 competitors over the past five years? 04:49:22
2 A. When you say "high-speed switching," you
3 don't necessarily mean the low latency, just --
4 just data server switching, correct?
5 Q. Yeah, let me be clear. 04:49:36
6 A. Yeah.
7 Q. I want to focus on what you know about
8 most.
9 So within your segment --
10 A. Uh-huh. 04:49:42
11 Q. -- of data center switching --
12 A. Yes.
13 Q. -- who would you identify as Cisco's top
14 five competitors over the last five years?
15 A. Juniper, Arista, HP, Huawei. I would say 04:49:55
16 those four that come to mind, and Huawei
17 predominantly being outside the U.S.
18 Q. And do you have any view as to who among
19 those four has -- has taken the most market share
20 from Cisco? 04:50:30
21 A. I would say Arista in the last two, three
22 years, if I had to guess.
23 Q. Before that? Do you --
24 A. I mean, Juniper has always been there, so
25 they are still there, so we do compete against 04:50:50

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1 them. 04:50:57

2 MR. FERRALL: Okay. I have no further
3 questions. Thank you.

4 THE DEPONENT: Oh. Thank you.

5 MS. JENKINS: Nothing from me. Thank 04:51:21
6 you.

7 THE VIDEOGRAPHER: This is the end of
8 today's deposition of Mr. Deepak Malik. We are off
9 the record at 4:51 p.m. Total number of media used
10 was two, and they will be retained by Veritext.

11 Thank you.

12 (TIME NOTED 4:51 p.m.)

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1 I, Rebecca L. Romano, a Certified Shorthand
2 Reporter of the State of California, do hereby certify:

3 That the foregoing proceedings were taken before me
4 at the time and place herein set forth; that any
5 witnesses in the foregoing proceedings, prior to
6 testifying, were administered an oath; that a record of
7 the proceedings was made by me using machine shorthand
8 which was thereafter transcribed under my direction;
9 that the foregoing transcript is true record of the
10 testimony given.

11 Further, that if the foregoing pertains to the
12 original transcript of a deposition in a Federal Case,
13 before completion of the proceedings, review of the
14 transcript [] was [X] was not requested.

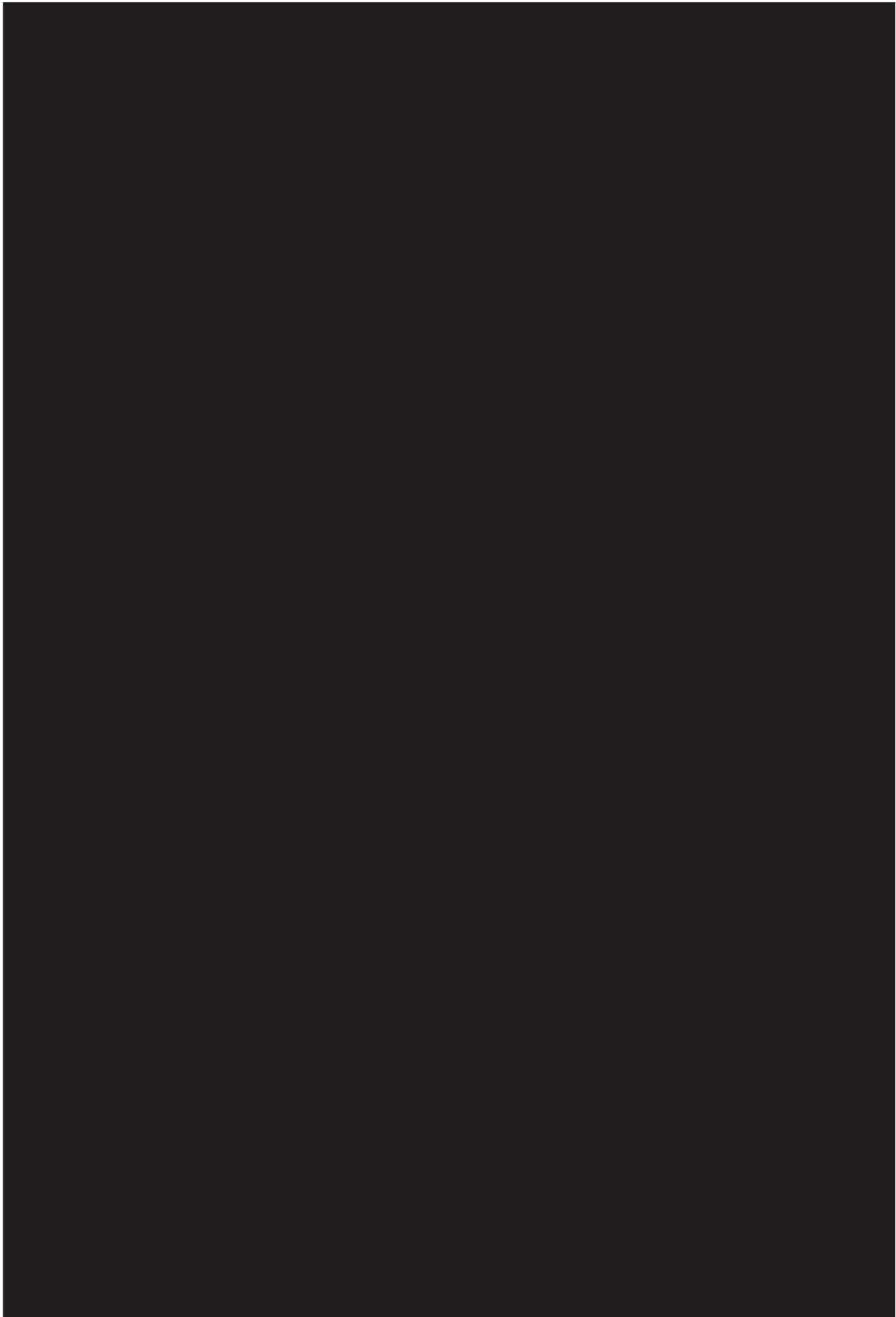
15 I further certify I am neither financially
16 interested in the action nor a relative or employee of
17 any attorney or any party to this action.

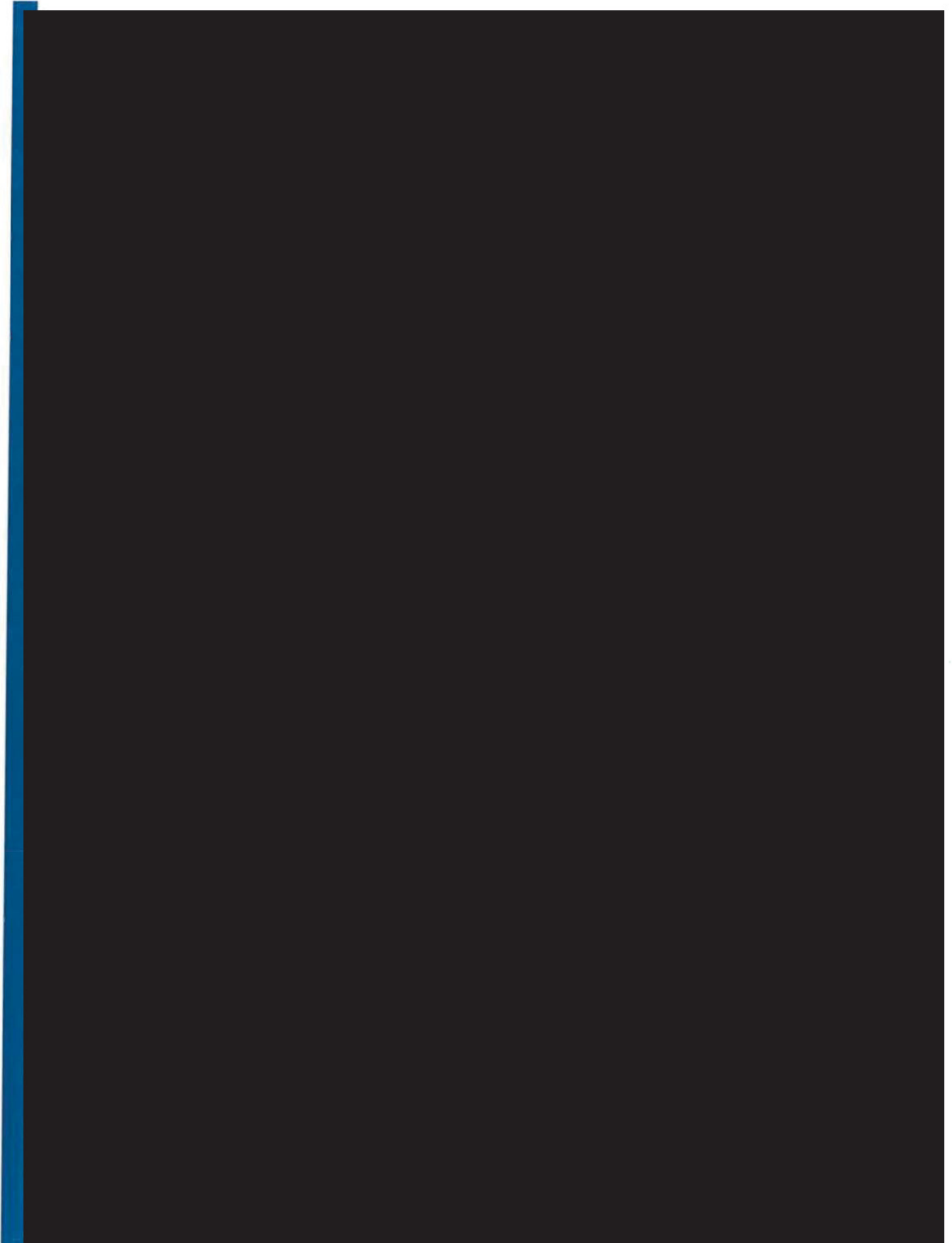
18 IN WITNESS WHEREOF, I have this date subscribed my
19 name.

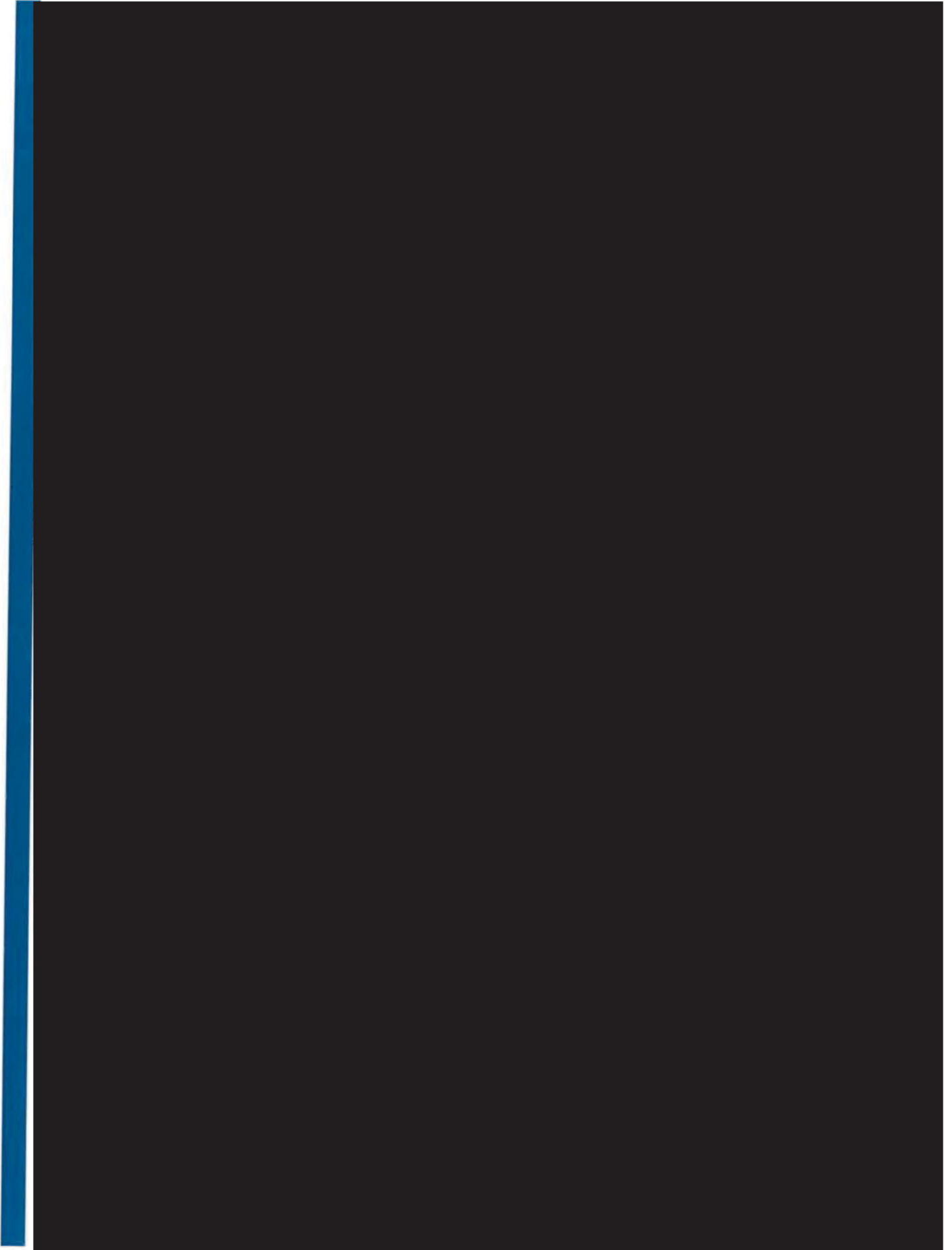
20
21 Dated: June 2, 2016
22

23 <%signature%>

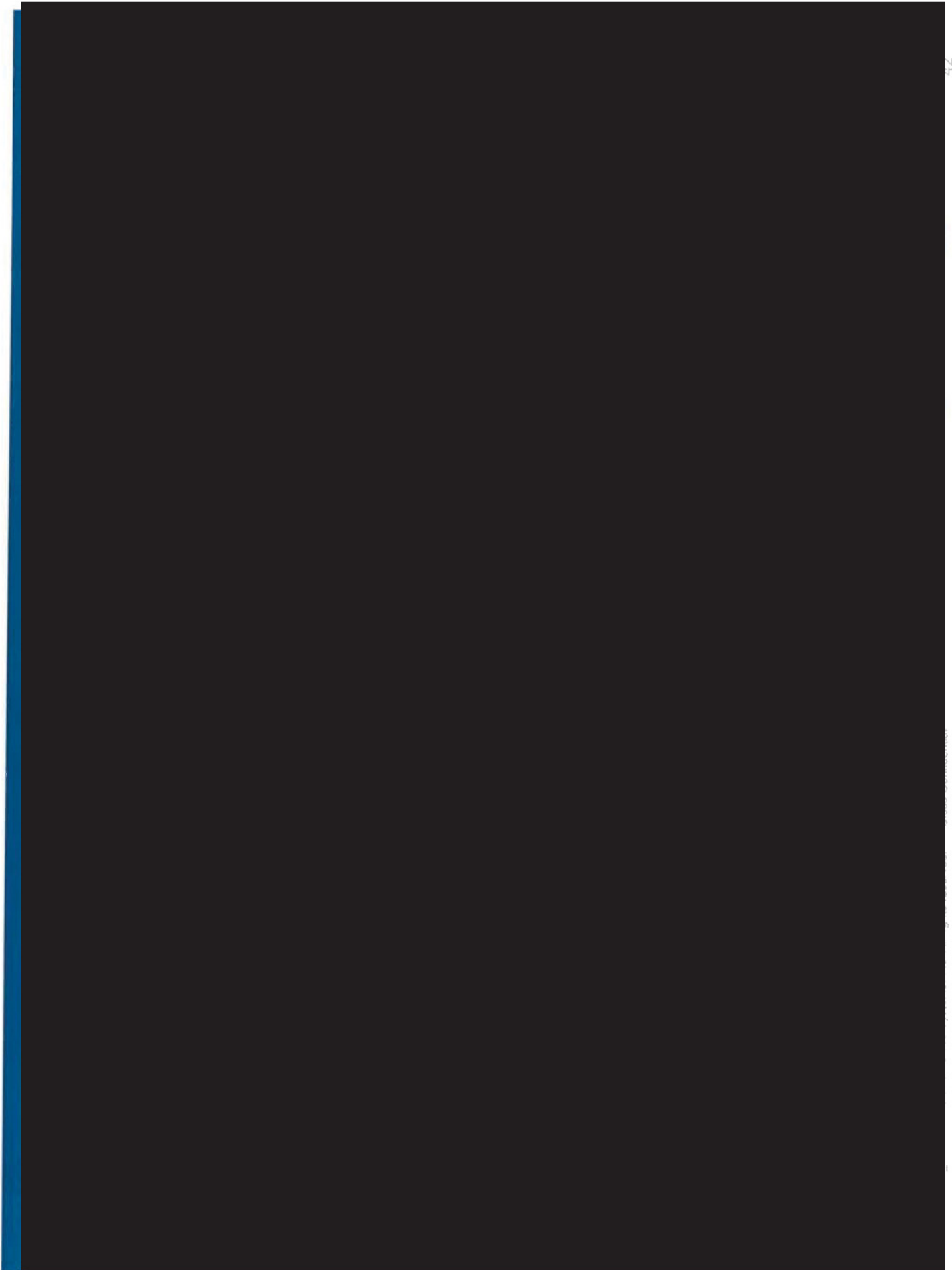
24 Rebecca L. Romano, RPR,
25 CSR. No 12546

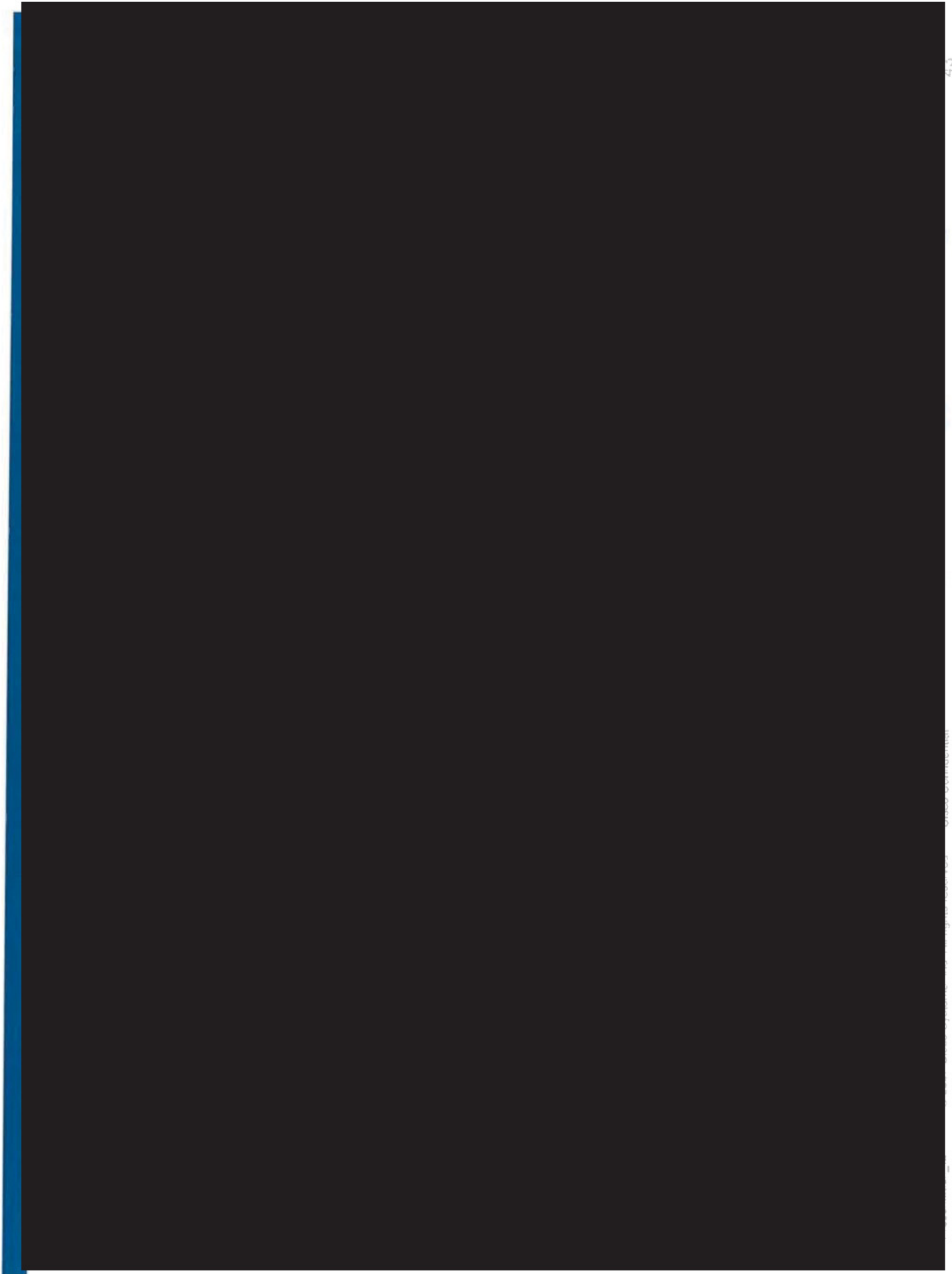




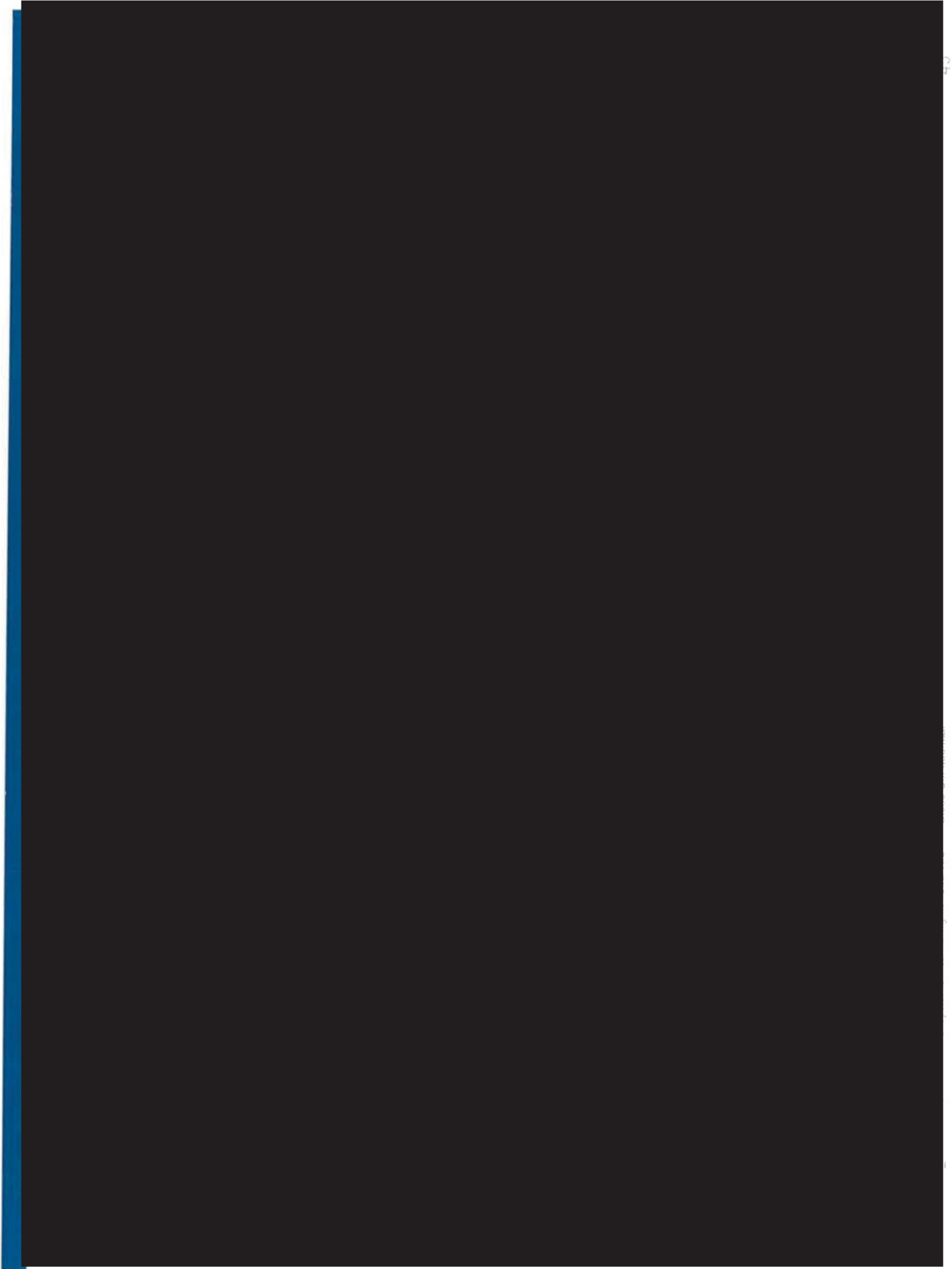


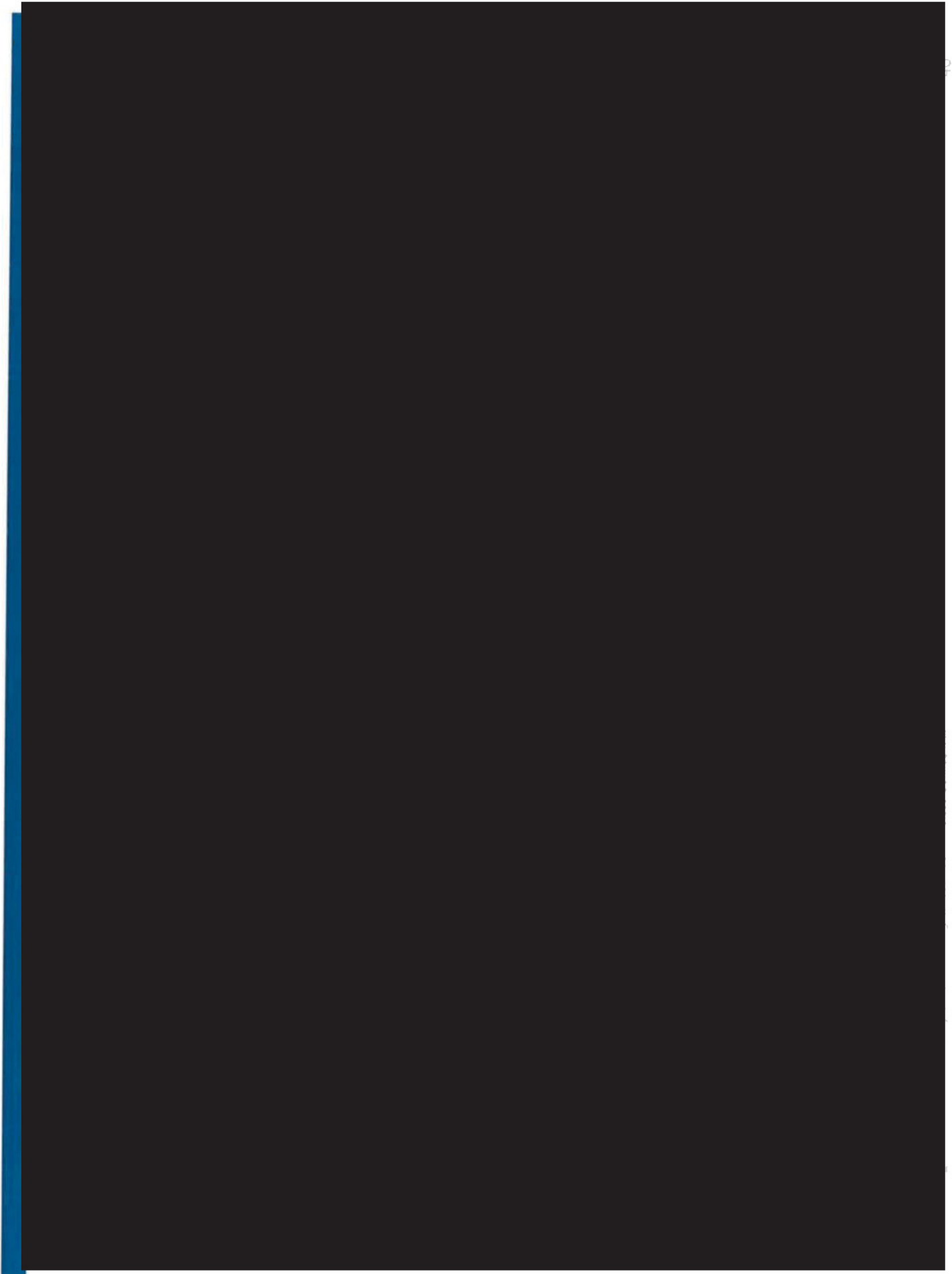


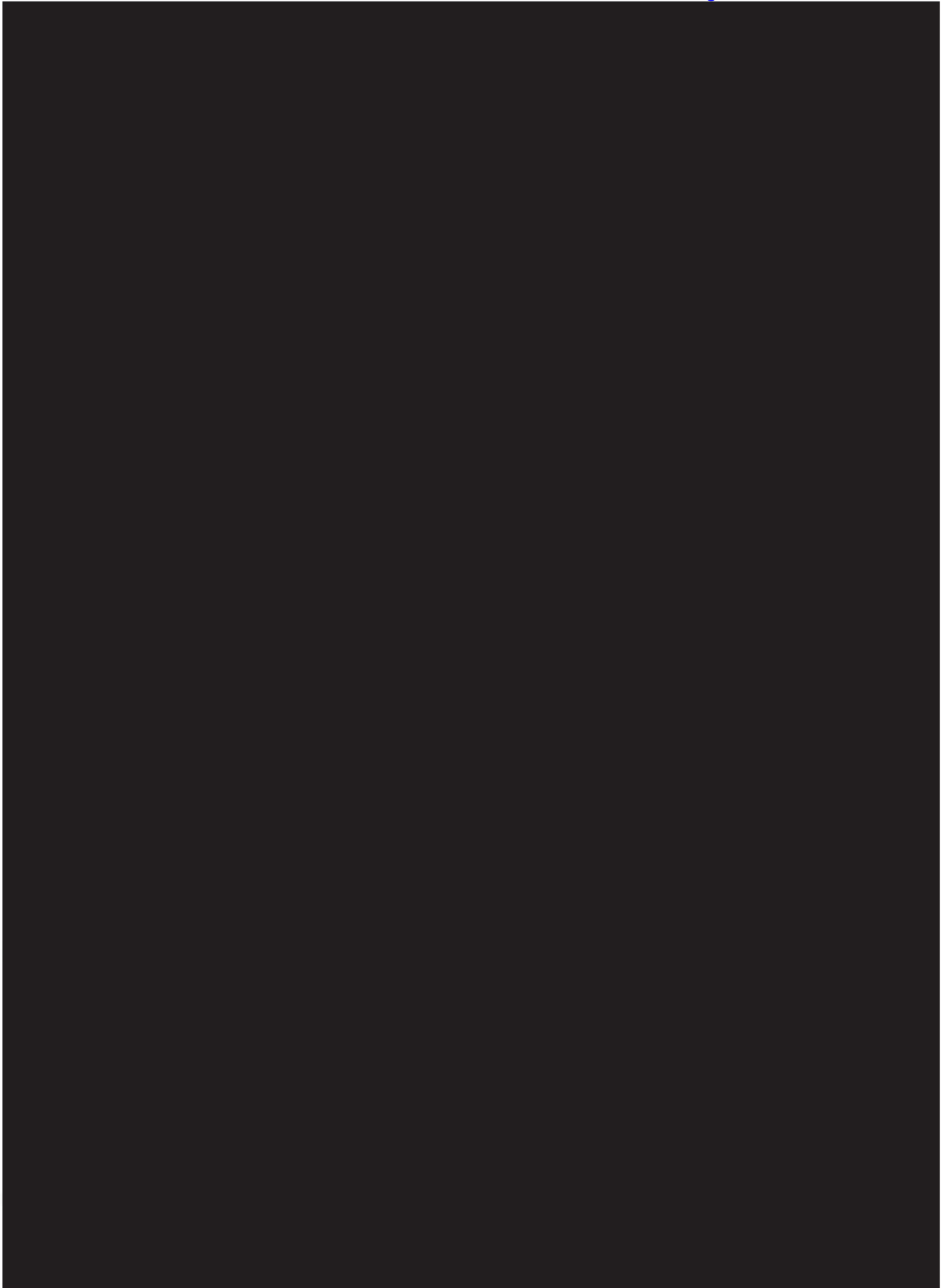


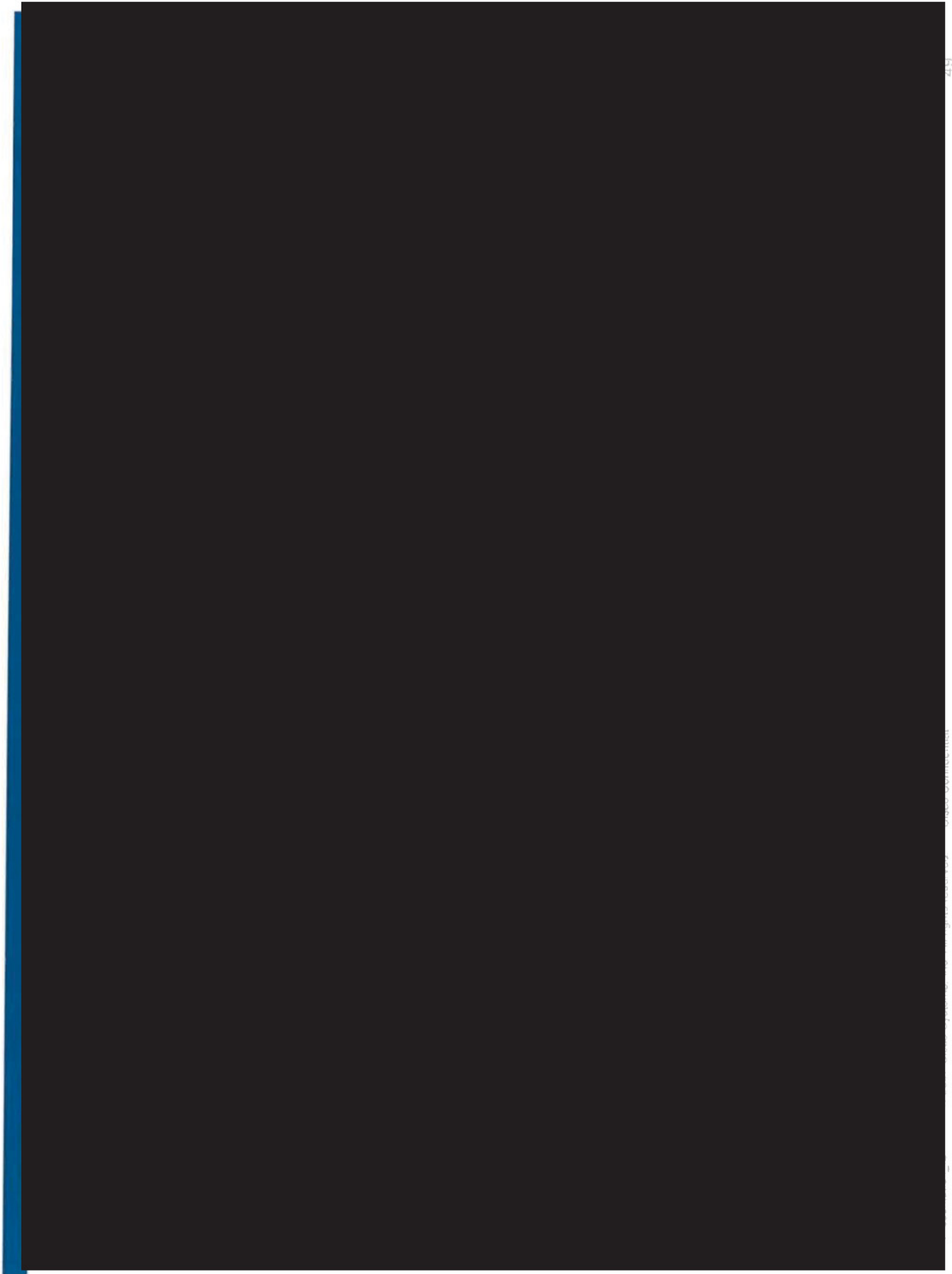


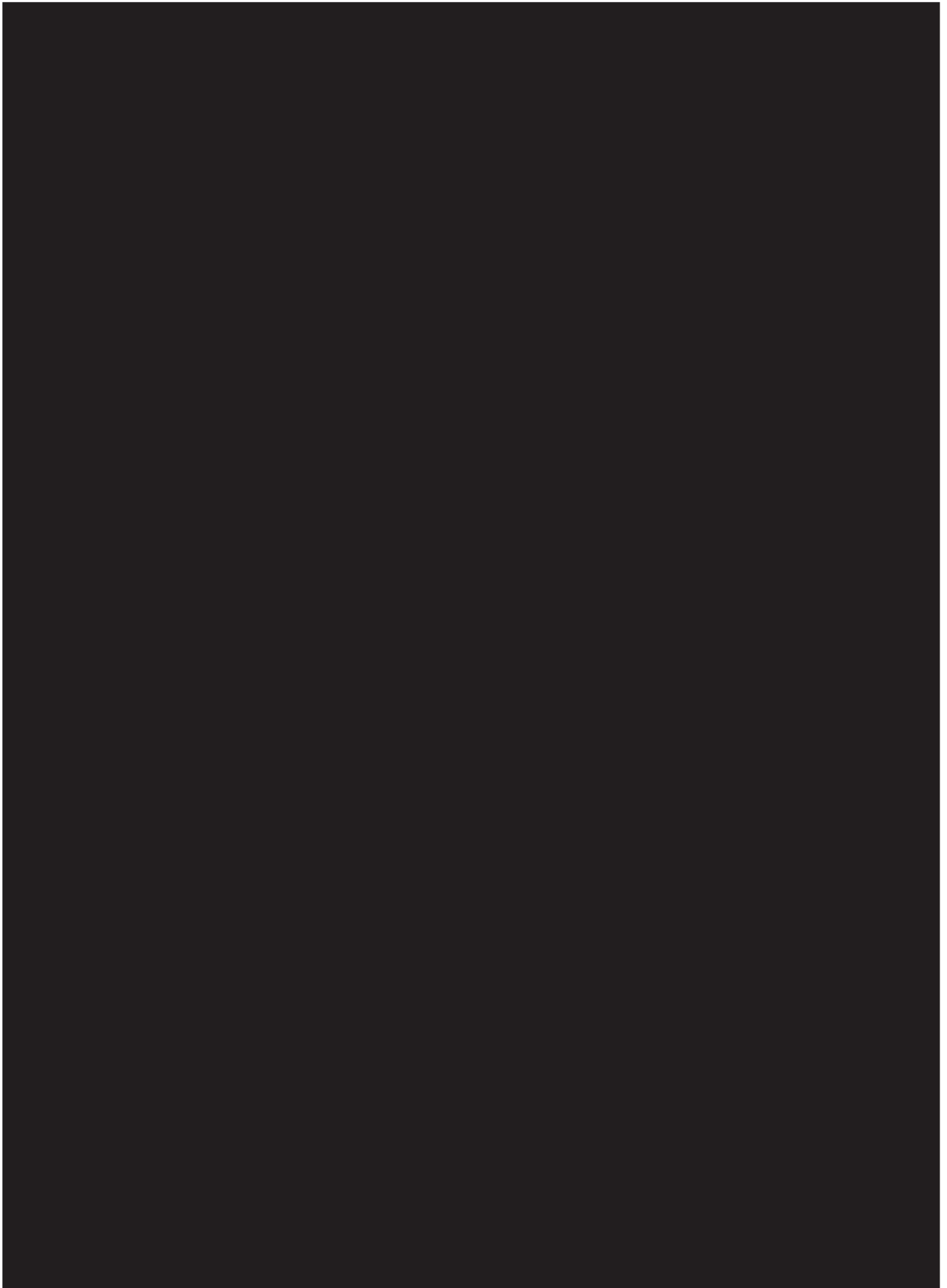




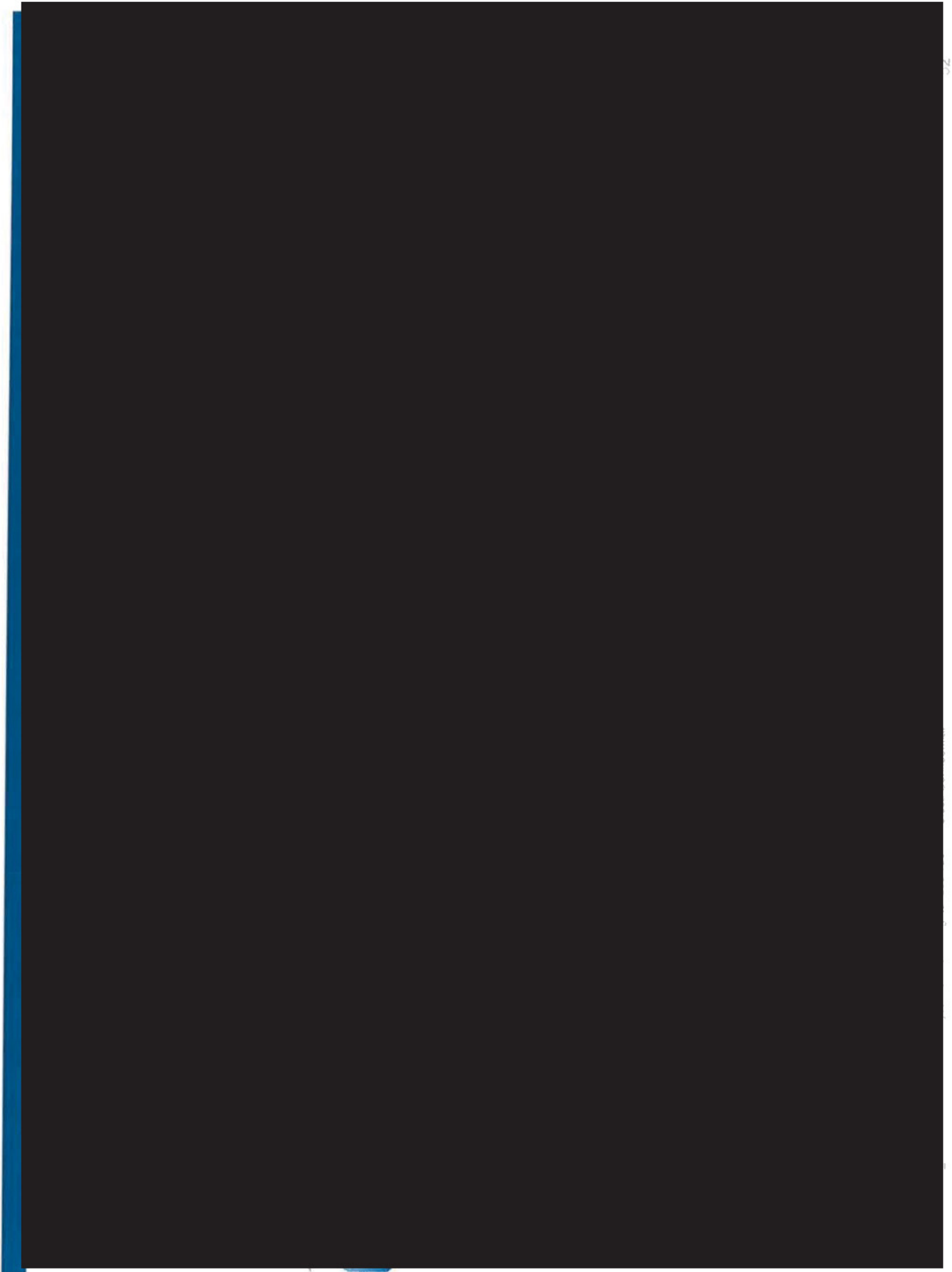


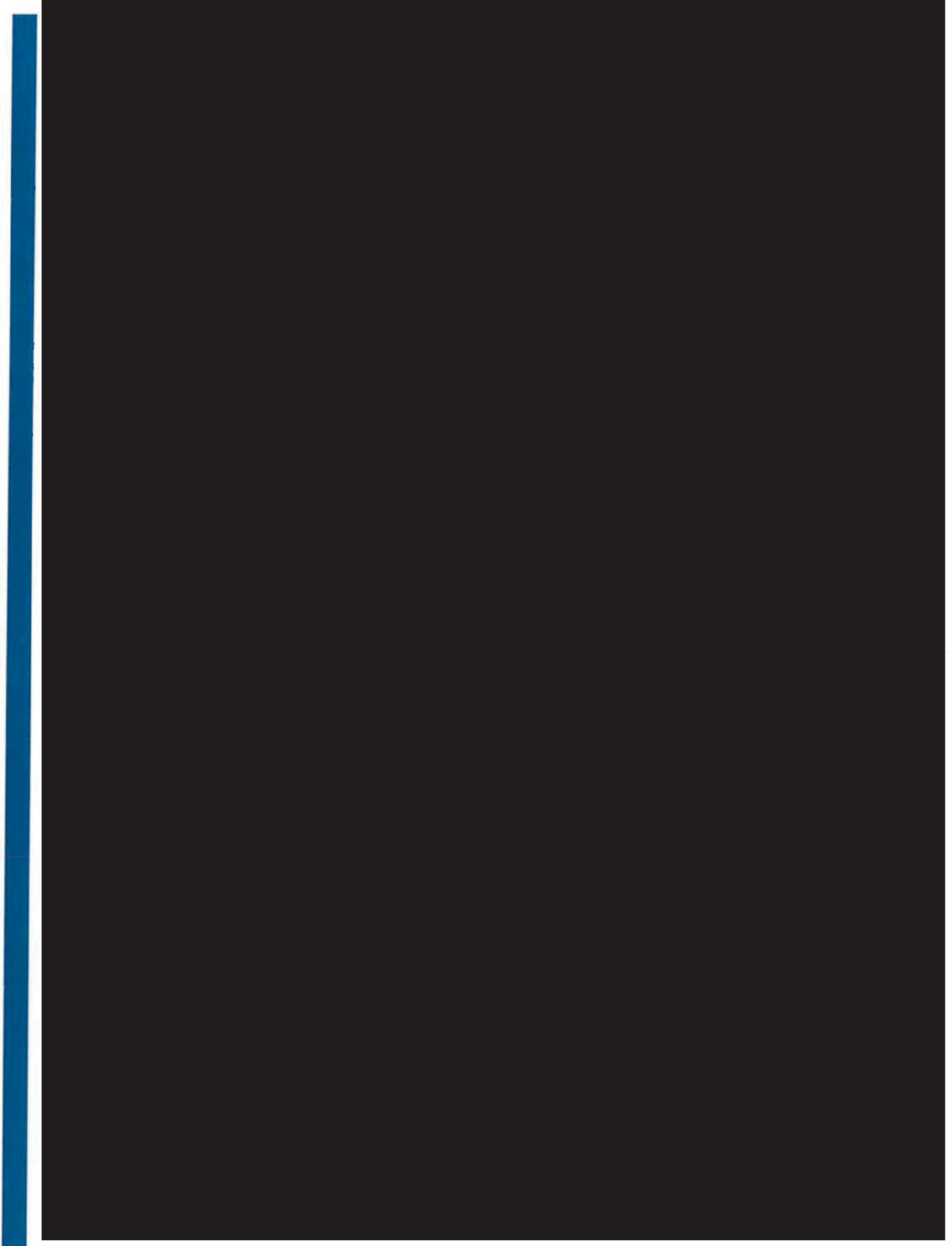






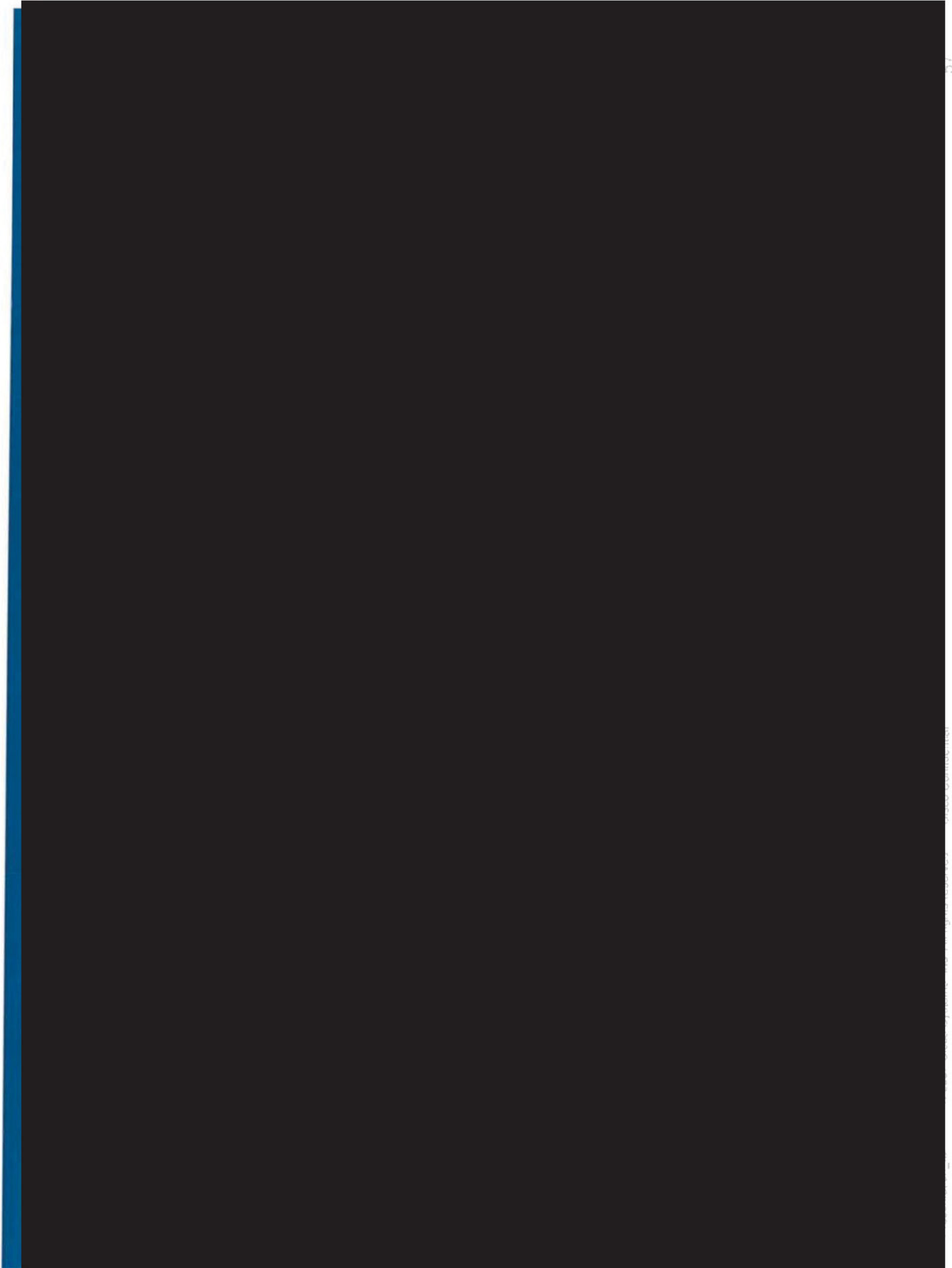


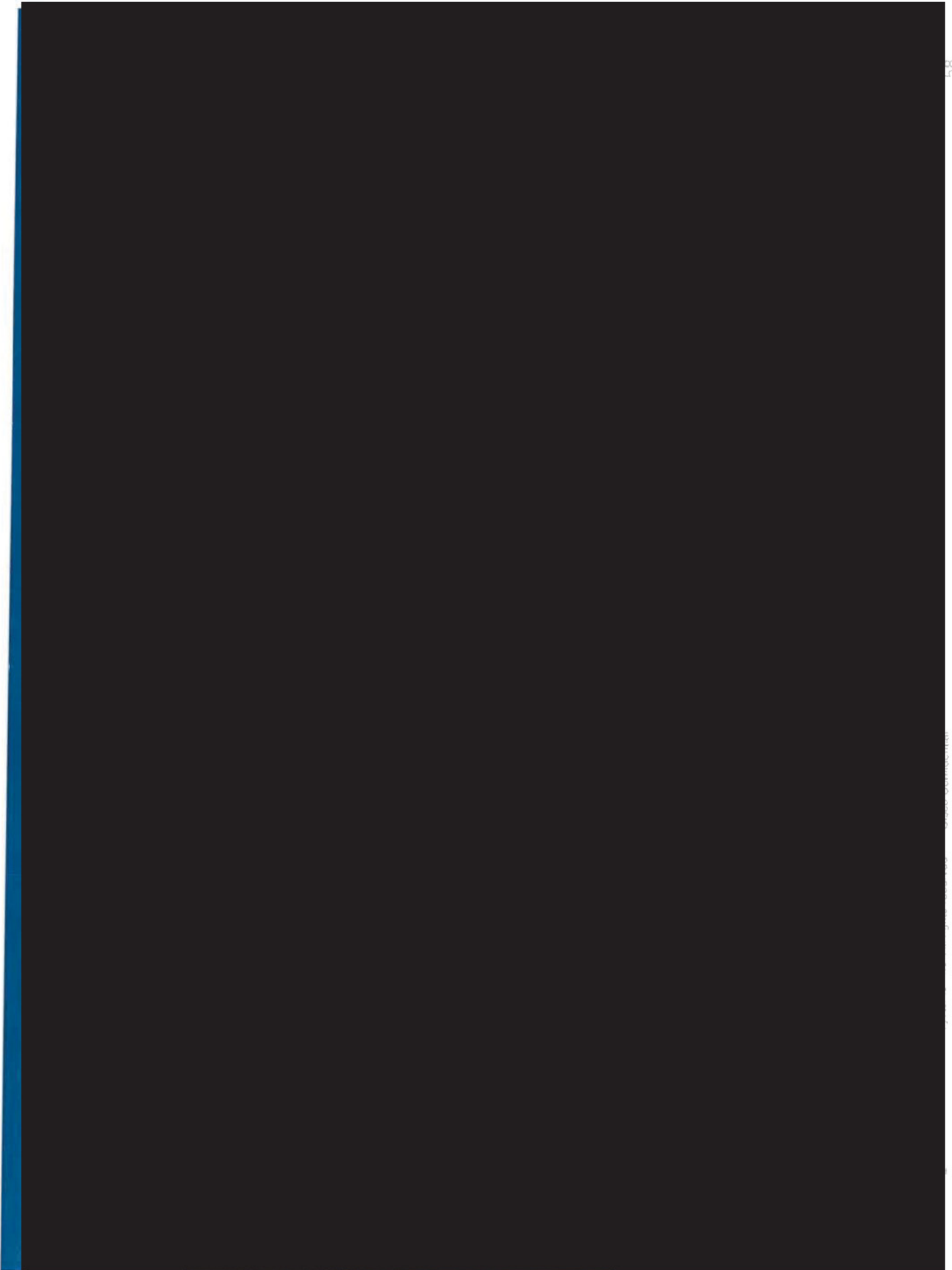








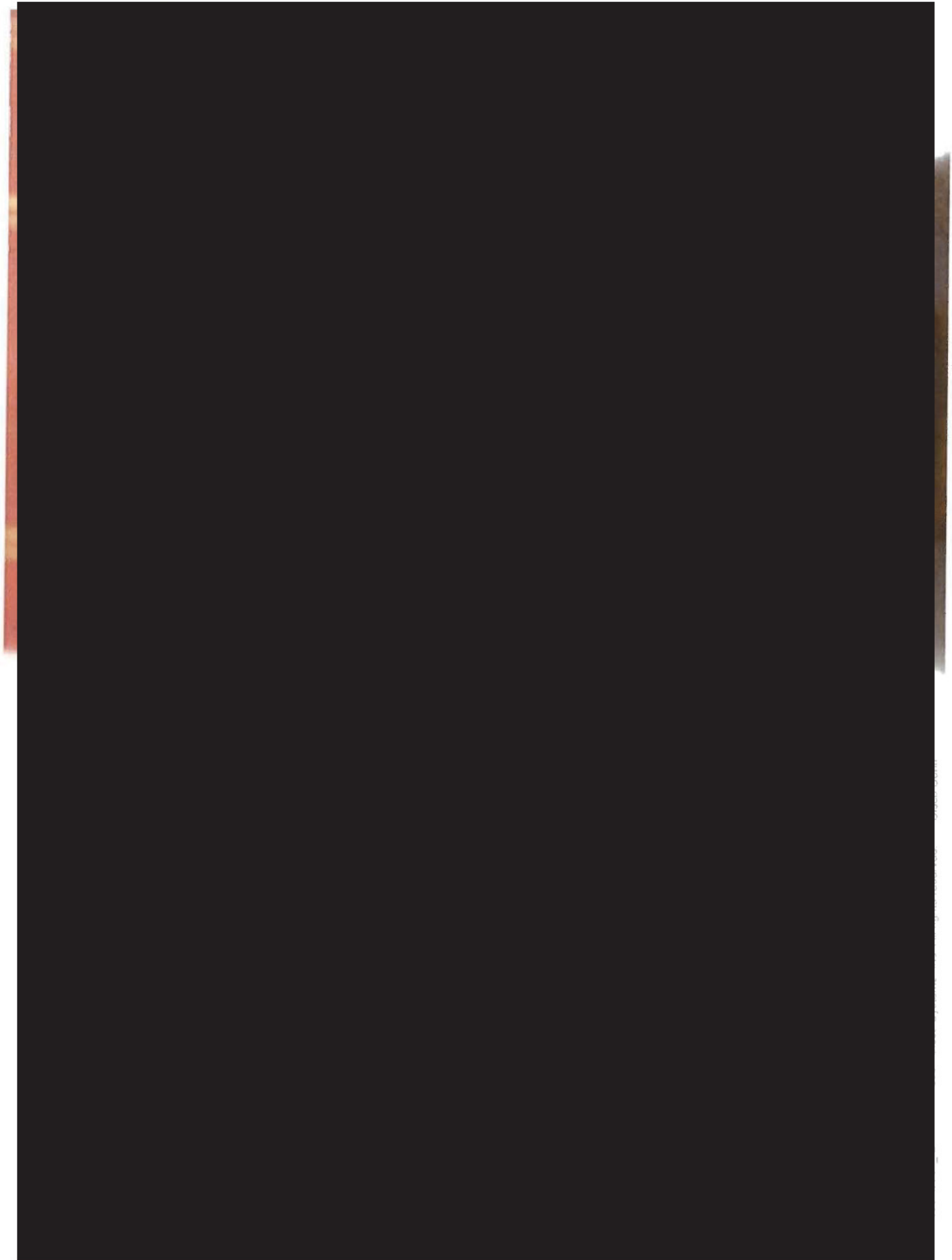


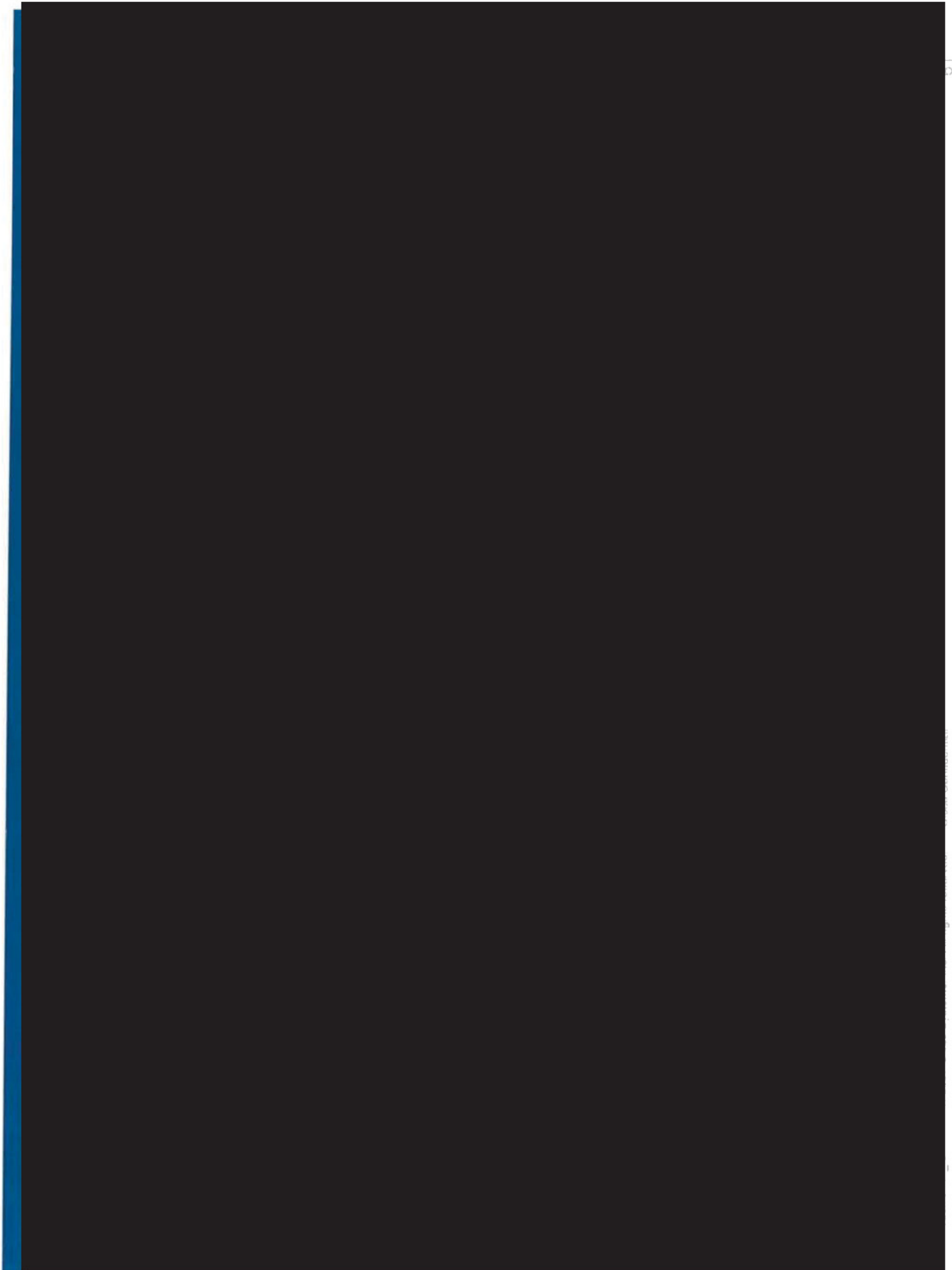


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2015 RELEASE UNDER E.O. 14176











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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CISCO SYSTEMS, INC.,)
)
Plaintiff,)
)
vs.) Case No. 5:14-cv-05344-BLF (PSG)
)
ARISTA NETWORKS, INC.,)
)
Defendant.)
)
_____)

VIDEOTAPED DEPOSITION OF DREW PLETCHER

HIGHLY CONFIDENTIAL - OUTSIDE ATTORNEYS' EYES ONLY

Date and Time: Thursday, May 26, 2016
9:34 a.m.

Location: Wilson Sonsini Goodrich & Rosati
650 Page Mill Road
Palo Alto, CA 94304

Reported by: Cammi R. Bowen, CSR-13492
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HIGHLY CONFIDENTIAL - OUTSIDE ATTORNEYS' EYES ONLY

1	APPEARANCES:	1	EXHIBITS - CONTINUED
2	For the Plaintiff: QUINN EMANUEL URQUHART & SULLIVAN LLP	2	Exhibit Document Bates-numbered
3	50 California Street	1211	CSI-ANI-00501435 202
4	22nd Floor	3	Exhibit
5	San Francisco, CA 94111	4	1212 Withdrawn due to privilege 216
6	Tel: (415) 875-6328	5	Exhibit
7	E-mail: Carlanderson@quinnemanuel.com	1213	Withdrawn due to privilege 217
8	BY: CARL G. ANDERSON, ESQ	6	Exhibit Document Bates-stamped
9	For the Defendants: KEKER & VAN NEST LLP	7	1214 CSI-ANI-00094857 221
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11	San Francisco, CA 94111-1809	1215	CSI-ANI-00103051 230
12	Tel: (415) 676-2248	9	Exhibit Document Bates-stamped
13	E-mail: Emccloskey@kvn.com	10	1216 CSI-ANI-00447896 242
14	BY: ELIZABETH K. MCCLOSKEY, ESQ	11	Exhibit Document Bates-stamped
15	WILSON SONSINI GOODRICH & ROSATI	1217	CSI-ANI-00452262 248
16	One Market Plaza	12	Exhibit Document Bates-stamped
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18	San Francisco, CA 94105-1126	14	Exhibit Document Bates-stamped
19	Tel: (415) 947-2077	1219	CSI-ANI-00047560 258
20	BY: BEN LABOW, ESQ	15	Exhibit Document Bates-stamped
21	Also Present: Andrea Baker, Videographer	16	1220 CSI-ANI-00067670 261
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24		18	Exhibit Document Bates-stamped
25		19	1222 CSI-CLI-03217927 266
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		1223	CSI-CLI-03218116 273
		21	Exhibit Document Bates-stamped
		1224	Bates-labeled CSI-ANI-00090840 277
		23	Exhibit Document Bates-stamped
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12	1202 Competitive Overview," Bates	9	Exhibit Document Bates-labeled
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18	1204 CSI-ANI-00056404 133	15	
19	Exhibit Document Bates-numbered	16	WITNESS INSTRUCTED NOT TO ANSWER
20	1205 CSI-ANI-00056218 170	17	PAGE LINE
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1 THE VIDEOGRAPHER: Good morning We are on 09:13:56	1 testifying under penalty of perjury? 09:35:37
2 the video record The time is 9:34 a m Today's 09:34:13	2 A. Yes, I do. 09:35:39
3 date is May 26th, 2016 My name is Andrea Baker, 09:34:17	3 Q. Is there any reason you can't provide 09:35:40
4 here with our court reporter, Cammi Bowen We are 09:34:21	4 truthful testimony today? 09:35:43
5 here from Veritext Legal Solutions The deposition 09:34:25	5 A. No, there's not. 09:35:44
6 is being held at 650 Page Mill Road in Palo Alto, 09:34:28	6 Q. Have you ever testified in a deposition 09:35:45
7 California 09:34:32	7 before? 09:35:48
8 The case caption is Cisco Systems, Inc vs 09:34:32	8 A. Yes, I have. 09:35:49
9 Arista Networks, Inc Case number 09:34:38	9 Q. So you -- I assume you know the ground 09:35:50
10 5:14-cv-05344-BLF 09:34:43	10 rules, but I'll just cover a couple of them quickly. 09:35:52
11 Will all counsel please state their name 09:34:44	11 If you don't understand any question that I 09:35:55
12 for the record and who they represent 09:34:47	12 ask, let me know and I'll clarify it for you. 09:35:58
13 MS MCCLOSKEY: Elizabeth McCloskey of 09:34:49	13 And -- and this is a good time to tell you 09:36:00
14 Keker & Van Nest on behalf of Arista Networks 09:34:53	14 that it's important that you give audible answers so 09:36:03
15 MR LABOW: Ben Labow from Wilson Sonsini 09:34:55	15 that the court reporter can write down everything 09:36:06
16 on behalf of Arista 09:34:58	16 that you say. 09:36:08
17 MR ANDERSON: Carl Anderson for Cisco 09:34:59	17 A. Understand. 09:36:10
18 Systems and the witness 09:35:03	18 Q. And if you answer a question, I will assume 09:36:10
19 THE VIDEOGRAPHER: Will the court reporter 09:35:04	19 that you understand my question. 09:36:13
20 please swear in the witness 09:35:05	20 Did you do anything to prepare for your 09:36:15
21 THE COURT REPORTER: Raise your right hand, 09:35:05	21 deposition today? 09:36:18
22 please 09:35:05	22 A. The only preparation was to review my 09:36:21
23 Do you swear to tell the truth, the whole 09:35:05	23 previous deposition testimony. 09:36:24
24 truth, and nothing but the truth? 09:35:05	24 Q. Did you meet with anyone to prepare for 09:36:28
25 WITNESS: I do 09:35:13	25 your deposition today? 09:36:32
Page 6	Page 8
1 THE VIDEOGRAPHER: Please begin. 09:35:13	1 A. Met with Carl Anderson. 09:36:34
2 DREW PLETCHER, 09:35:11	2 Q. When did you and Mr. Anderson meet? 09:36:40
3 being first duly affirmed by the Certified Shorthand 09:35:11	3 A. Yesterday. 09:36:43
4 Reporter to tell the truth, the whole truth, and 09:35:11	4 Q. How long did you meet for? 09:36:43
5 nothing but the truth, testified as follows: 09:35:11	5 A. It was about four hours, five hours, 09:36:48
6 EXAMINATION 09:35:11	6 roughly. 09:36:51
7 BY MS. MCCLOSKEY: 09:35:11	7 Q. Did you -- did you meet with Mr. Anderson 09:36:52
8 Q. Good morning, Mr. Pletcher. 09:35:15	8 in person? 09:36:55
9 A. Good morning. 09:35:16	9 A. Yes. 09:36:55
10 Q. We met briefly off the record, but I'm 09:35:17	10 Q. Okay. Did you discuss your deposition with 09:36:55
11 Lizzy McCloskey, and I represent defendant Arista 09:35:18	11 anyone, other than Mr. Anderson? 09:36:58
12 Networks in this action, and I'll be asking you some 09:35:22	12 A. No, I have not. 09:37:00
13 questions today. 09:35:25	13 Q. Did you discuss your deposition with anyone 09:37:01
14 A. Okay. 09:35:26	14 else from Cisco? 09:37:05
15 Q. Can you please state your full name for the 09:35:26	15 A. No, I have not. 09:37:05
16 record. 09:35:28	16 Q. Did you review any documents yesterday with 09:37:06
17 A. Yes. My full name is Andrew Albert 09:35:28	17 Mr. Anderson? 09:37:07
18 Pletcher. 09:35:30	18 MR. ANDERSON: Going to caution the witness 09:37:07
19 Q. Do you understand that you're under oath 09:35:31	19 not to reveal the contents of any privileged 09:37:09
20 today? 09:35:32	20 attorney-client communications. If you can answer 09:37:12
21 A. I do. 09:35:32	21 the question without revealing privileged 09:37:14
22 Q. Do you understand that you're required to 09:35:32	22 communications, you can do so. 09:37:17
23 answer truthfully? 09:35:34	23 THE WITNESS: We reviewed the -- my 09:37:19
24 A. Yes, I do. 09:35:35	24 testimony from the previous deposition for the ITC 09:37:23
25 Q. And do you understand that you are 09:35:35	25 Section 2 case. 09:37:29
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[illegible][illegible]

[REDACTED]

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<div>[REDACTED]</div>	<div>[REDACTED]</div>
Page 102	
<div>[REDACTED]</div>	<div>[REDACTED]</div>

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1 what our customers deal with. So as a back-end 06:36:55	1 different type of capabilities in the network. 06:38:54
2 engineer, you're troubleshooting a Cisco box, a 06:37:00	2 One person is not locked into supporting 06:38:57
3 Juniper box, whatever these -- you know, some of 06:37:03	3 just one platform. They will support many. 06:39:00
4 these have very different interfaces. 06:37:03	4 Q. Have you ever heard a customer say that 06:39:04
5 (The reporter asked for clarification.) 06:37:11	5 another company's CLI is so unfamiliar that they 06:39:06
6 THE WITNESS: I'm sorry. 06:37:11	6 don't want to work with that device? 06:39:09
7 A Juniper box or a Cisco box, these have 06:37:11	7 A. No. 06:39:12
8 different interfaces. They become familiar with how 06:37:15	8 Q. Has CLI ever made the difference in making 06:39:14
9 to navigate. 06:37:18	9 a sale to a customer? 06:39:18
10 BY MS. MCCLOSKEY: 06:37:19	10 MR. ANDERSON: Objection. Lacks 06:39:19
11 Q. Okay. So I don't think that was my 06:37:19	11 foundation. Vague. Asked and answered. 06:39:21
12 question. Let me try one more time. And I would 06:37:37	12 BY MS. MCCLOSKEY: 06:39:23
13 just ask you to listen to my question. I know it's 06:37:24	13 Q. Let me rephrase that question. 06:39:24
14 been a really long day. 06:37:26	14 In your experience, has CLI ever been the 06:39:25
15 A. All right. 06:37:27	15 difference in making a sale to a customer? 06:39:28
16 Q. How important to it -- is it your -- 06:37:27	16 MR. ANDERSON: Objection. Vague. Asked 06:39:30
17 How important is it to your customers to 06:37:27	17 and answered. 06:39:32
18 have a familiar CLI? 06:37:29	18 THE WITNESS: Not that I'm aware of. 06:39:32
19 MR. ANDERSON: Objection. Vague. Asked 06:37:31	19 I'm -- not sitting at a customer that make the 06:39:34
20 and answered. 06:37:43	20 decision, I do not know if that is a variable and 06:39:38
21 THE WITNESS: I'm not sure how to answer 06:37:43	21 even if it was, what the weight of that was. 06:39:42
22 that without -- you know, in any other way than I 06:37:45	22 BY MS. MCCLOSKEY: 06:39:44
23 have, because the customer becomes familiar with the 06:37:48	23 Q. You've never heard it been mentioned as the 06:39:44
24 interfaces of the platforms they use. 06:37:51	24 difference in making a sale? 06:39:49
25 ///	25 A. No. 06:39:49
Page 322	Page 324
1 BY MS. MCCLOSKEY: 06:37:55	1 Q. Earlier today, you testified that the only 06:39:50
2 Q. And is it important to them to maintain 06:37:56	2 standard you know of are formalized standards; is 06:39:52
3 those same platforms that they've become familiar 06:37:58	3 that correct? 06:39:52
4 with? 06:38:02	4 MR. ANDERSON: Objection. Misrepresents 06:39:55
5 MR. ANDERSON: Objection. Vague. 06:38:03	5 testimony. 06:39:56
6 THE WITNESS: They will -- those change as 06:38:04	6 THE WITNESS: My testimony was, what I 06:39:57
7 they change vendors, depending upon business and 06:38:07	7 consider a standard in -- with industry is -- are 06:39:59
8 technical requirements. 06:38:10	8 those things that are reviewed, ratified, and 06:40:04
9 BY MS. MCCLOSKEY: 06:38:10	9 published as a standard by standards boards. 06:40:09
10 Q. So you don't think it's important that the 06:38:12	10 BY MS. MCCLOSKEY: 06:40:13
11 CLI -- that the familiarity of the CLI is 06:38:14	11 Q. Are the only standards that are beneficial 06:40:14
12 maintained? 06:38:18	12 to customers those that have been reviewed, 06:40:17
13 MR. ANDERSON: Objection. Misrepresents 06:38:18	13 ratified, and published? 06:40:22
14 testimony. Vague. 06:38:20	14 A. Yes. 06:40:24
15 THE WITNESS: For the customers that I deal 06:38:22	15 Q. You testified earlier today that you have 06:40:24
16 with, they are used to using multiple CLIs -- 06:38:24	16 never seen the phrase "industry standard CLI" used 06:40:27
17 BY MS. MCCLOSKEY: 06:38:32	17 in a Cisco document. 06:40:32
18 Q. Have you -- 06:38:32	18 Do you recall that? 06:40:33
19 A. -- that are not -- non -- that are not 06:38:33	19 A. I said I don't re- -- yeah, I said I did 06:40:34
20 common. 06:38:35	20 not recall seeing that in a Cisco document. 06:40:37
21 Q. That are not common. 06:38:35	21 Q. Okay. And so you don't recall ever seeing 06:40:39
22 Like what CLIs? 06:38:37	22 that? 06:40:41
23 A. Juniper CLI versus, say, Cisco CLI, versus 06:38:39	23 A. I don't. 06:40:41
24 Palo Alto Networks, versus -- because they deal with 06:38:47	24 Q. And you don't ever recall seeing the phrase 06:40:41
25 all kinds of different platforms, providing 06:38:50	25 "de facto industry standard CLI"? 06:40:44
Page 323	Page 325

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<p>1 A. Not on a -- not on a Cisco document. 06:40:47</p> <p>2 Q. Do you recall ever seeing the phrase "gold 06:40:49</p> <p>3 standard CLI"? 06:40:54</p> <p>4 A. I recall seeing it on internal draft slides 06:40:54</p> <p>5 and discussions with marketing. But purely as a 06:40:59</p> <p>6 statement of value of something, it's -- it's used 06:41:03</p> <p>7 in conjunction and is really replaced by setting the 06:41:09</p> <p>8 bar. 06:41:12</p> <p>9 Q. And so have you ever seen a Cisco document, 06:41:13</p> <p>10 a Cisco presentation that refers to Cisco's CLI as 06:41:17</p> <p>11 the gold standard? 06:41:21</p> <p>12 MR. ANDERSON: Objection. Asked and 06:41:22</p> <p>13 answered. 06:41:23</p> <p>14 THE WITNESS: Not explicitly, no. 06:41:23</p> <p>15 MS. MCCLOSKEY: Okay. I have no further 06:41:26</p> <p>16 questions today. Thank you so much, Mr. Pletcher -- 06:41:28</p> <p>17 THE WITNESS: You're welcome. 06:41:28</p> <p>18 MS. MCCLOSKEY: -- for your time. 06:41:30</p> <p>19 THE VIDEOGRAPHER: This concludes today's 06:41:31</p> <p>20 deposition of Drew Pletcher. We are now going off 06:41:32</p> <p>21 the record. The time is 6:41 p.m. 06:41:36</p> <p>22 (Whereupon, the deposition of Drew</p> <p>23 Pletcher was concluded at 6:41 p.m.)</p> <p>24 --oOo--</p> <p>25</p> <p style="text-align: right;">Page 326</p>	
<p>1 CERTIFICATE OF REPORTER</p> <p>2</p> <p>3 I, CAMMI R. BOWEN, a Certified Shorthand</p> <p>4 Reporter, hereby certify that the witness in the</p> <p>5 foregoing deposition was by me duly sworn to tell the</p> <p>6 truth, the whole truth, and nothing but the truth in the</p> <p>7 within-entitled cause;</p> <p>8 That said deposition was taken down in</p> <p>9 shorthand by me, a disinterested person, at the time and</p> <p>10 place therein stated, and that the testimony of the said</p> <p>11 witness was thereafter reduced to typewriting, by</p> <p>12 computer, under my direction and supervision;</p> <p>13 Further, that if the foregoing pertains to the</p> <p>14 original transcript of a deposition in a Federal Case,</p> <p>15 before completion of the proceedings, review of the</p> <p>16 transcript [] was [X] was not requested.</p> <p>17 I further certify that I am not of counsel or</p> <p>18 attorney for either or any of the parties to the said</p> <p>19 deposition, nor in any way interested in the events of</p> <p>20 this cause, and that I am not related to any of the</p> <p>21 parties hereto.</p> <p>21 DATED: 6/6/2016</p> <p>22 <%signature%></p> <p>23 CAMMI R. BOWEN</p> <p>24 CSR #13492</p> <p>25</p> <p style="text-align: right;">Page 327</p>	

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION
CISCO SYSTEMS, INC.,
Plaintiff,
vs. Case No. 5:14-cv-05344-BLF
(PSG)
ARISTA NETWORKS, INC.
Defendant.

VIDEO DEPOSITION OF DEEPAK MALIK
San Francisco, California
Thursday, May 19, 2016
Volume I

REPORTED BY:
REBECCA L. ROMANO, RPR, CSR No. 12546
JOB NO. 2309373
PAGES 1 - 202

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Page 2

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION
CISCO SYSTEMS, INC.,
Plaintiff,
vs. Case No. 5:14-cv-05344-BLF
(PSG)
ARISTA NETWORKS, INC.
Defendant.

DEPOSITION OF DEEPAK MALIK, taken on behalf of
the Defendant, at Keker & Van Nest, LLP,
633 Battery Street, San Francisco, California,
commencing at 9:41 a.m., Thursday, May 19, 2016, before
Rebecca L. Romano, Certified Shorthand Reporter
No. 12546.

Page 4

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/////

<p style="text-align: right;">Page 5</p> <p>1 INDEX</p> <p>2 DEPONENT EXAMINATION</p> <p>3 DEEPAK MALIK PAGE</p> <p>4 VOLUME I</p> <p>5 BY MR. FERRALL 14</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10 EXHIBITS</p> <p>11 NUMBER PAGE</p> <p>12 DESCRIPTION</p> <p>13 Exhibit 864 Email String,</p> <p>14 CSI-ANI-00098515 -</p> <p>15 CSI-ANI-00098515.000002; 49</p> <p>16</p> <p>17 Exhibit 865 Presentation, Welcome to</p> <p>18 Arista One-Day Competitive</p> <p>19 Training,</p> <p>20 CSI-ANI-00500909</p> <p>21 CSI-ANI-00500961; 64</p> <p>22</p> <p>23</p> <p>24</p> <p>25 /////</p>	<p style="text-align: right;">Page 7</p> <p>1 EXHIBITS (cont'd)</p> <p>2 NUMBER PAGE</p> <p>3 DESCRIPTION</p> <p>4 Exhibit 870 Native Version, Information</p> <p>5 About CSI-ANI-00056464; 104</p> <p>6</p> <p>7 Exhibit 871 Email String,</p> <p>8 CSI-CLI-02112360 -</p> <p>9 CSI-CLI-02112406; 108</p> <p>10</p> <p>11 Exhibit 872 Document, Arista 7048</p> <p>12 Gigabit Internet Leaf Switch</p> <p>13 Data Sheet,</p> <p>14 ARISTANDCA00268265 -</p> <p>15 ARISTANDCA00268267; 113</p> <p>16</p> <p>17 Exhibit 873 PowerPoint, Global Enterprise</p> <p>18 Theater FSI Q2 Fiscal Year</p> <p>19 '11 Electronic Trading</p> <p>20 Competitive Update, Native</p> <p>21 Version,</p> <p>22 CSI-CLI-01577353; 119</p> <p>23</p> <p>24</p> <p>25 /////</p>
<p style="text-align: right;">Page 6</p> <p>1 EXHIBITS (cont'd)</p> <p>2 NUMBER PAGE</p> <p>3 DESCRIPTION</p> <p>4 Exhibit 866 PowerPoint, Arista Competitive</p> <p>5 Network World Response</p> <p>6 SAVBU - 2/5/2010,</p> <p>7 CSI-ANI-00056446 -</p> <p>8 CSI-ANI-00056446.000032; 77</p> <p>9</p> <p>10 Exhibit 867 Article, Cisco Nexus 7000</p> <p>11 Series Simplified End to</p> <p>12 End Management,</p> <p>13 CSI-ANI-00043659 -</p> <p>14 CSI-ANI-00043659.000001; 94</p> <p>15</p> <p>16 Exhibit 868 PowerPoint, Arista Competitive</p> <p>17 Program Updates and Next Steps,</p> <p>18 CSI-ANI-00056463 -</p> <p>19 CSI-ANI-00056463.000021; 100</p> <p>20</p> <p>21 Exhibit 869 PowerPoint, Arista,</p> <p>22 CSI-ANI-00056464 -</p> <p>23 CSI-ANI-00056464.000062; 103</p> <p>24</p> <p>25 /////</p>	<p style="text-align: right;">Page 8</p> <p>1 EXHIBITS (cont'd)</p> <p>2 NUMBER PAGE</p> <p>3 DESCRIPTION</p> <p>4 Exhibit 874 Email 5/19/2011 & PowerPoint,</p> <p>5 Draft -</p> <p>6 CSI-CLI-01577417</p> <p>7 CSI-CLI-01577473; 126</p> <p>8</p> <p>9 Exhibit 875 Email String,</p> <p>10 CSI-CLI-01588645</p> <p>11 CSI-CLI-01588654; 130</p> <p>12</p> <p>13 Exhibit 876 Email & Attachment,</p> <p>14 3/29/2012,</p> <p>15 CSI-CLI-01386563</p> <p>16 CSI-CLI-01386605; 136</p> <p>17</p> <p>18 Exhibit 877 Email String,</p> <p>19 CSI-CLI-01610893</p> <p>20 CSI-CLI-01610938; 145</p> <p>21</p> <p>22 Exhibit 878 Email String,</p> <p>23 CSI-ANI-00105548 -</p> <p>24 CSI-ANI-00105548.000001; 154</p> <p>25 /////</p>

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7			7	Phase 3 - 2011, Nomura Services	
8	Exhibit 880 Email, 6/5/2014,		8	CSI-ANI-00055578 -	
9	CSI-ANI-00094720;	168	9	CSI-ANI-00055578.000026;	195
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11	Exhibit 881 Email, 5/31/2014,		11		
12	CSI-ANI-00094261;	170	12	PREVIOUSLY MARKED EXHIBITS	
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14	Exhibit 882 PowerPoint, Cisco,		14		
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23	Exhibit 884 PowerPoint, Beat Arista		23		
24	1/10/2014,		24		
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1	EXHIBITS (cont'd)		1	San Francisco, California; May 19, 2016	
2	NUMBER	PAGE	2	9:41 a.m.	
3	DESCRIPTION		3	---o0o---	
4	Exhibit 885 PowerPoint, Arista Files		4		
5	for IPO Highlights 3/31/2014,		5	THE VIDEOGRAPHER: Good morning. We are	09:41:40
6	CSI-ANI-00501043 -		6	on the record at 9:41 a.m. on May 19th, 2016. This	
7	CSI-ANI-00501058;	187	7	is the videotaped deposition of Mr. Deepak Malik.	
8			8	My name is Roman Peraza, here with our	
9	Exhibit 886 Email String,		9	court reporter, Rebecca Romano. We are here from	
10	CSI-ANI-00090557 -		10	Veritext Legal Solutions at the request of counsel	09:41:56
11	CSI-ANI-00090557.000003;	189	11	for the defendant.	
12			12	This deposition is being held at	
13	Exhibit 887 Miscellaneous Screen		13	Keker & Van Nest in San Francisco.	
14	Shots,		14	The caption of this case is	
15	CSI-ANI-00056507 -		15	Cisco Systems, Inc., versus Arista Networks, Inc.,	09:42:06
16	CSI-ANI-00056507.000001;	193	16	Case No. 5:14-cv-05344-BLF (PSG).	
17			17	Please note that audio and video	
18	Exhibit 888 PowerPoint, Why a Bare		18	recording will take place unless all parties have	
19	Metal Switch Running		19	agreed to go off the record.	
20	Cumulus Linux,		20	Microphones are sensitive and may pick up	09:42:30
21	CSI-ANI-00096524 -		21	whispers or private conversations.	
22	CSI-ANI-00096524.000044;	194	22	At this time, Counsel, please identify	
23			23	yourselves for the record and state whom you	
24			24	represent.	
25	////		25	MR. FERRALL: Brian Ferrall on behalf of	09:42:40

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<p>1 A. Yes. 01:14:32</p> <p>2 Q. Okay. And you would have received this,</p> <p>3 right?</p> <p>4 A. That's correct.</p> <p>5 Q. Okay. I notice on page 15, you are -- 01:14:38</p> <p>6 you are listed as a team member in the sales</p> <p>7 organization; is that -- was that accurate?</p> <p>8 A. It's not accurate.</p> <p>9 Q. Where -- where should have you -- should</p> <p>10 you have been listed there? 01:14:56</p> <p>11 A. Services, yeah.</p> <p>12 Q. Okay. Is services --</p> <p>13 A. It's not listed here.</p> <p>14 Q. Okay.</p> <p>15 A. Yeah. It's -- I think they just lumped, 01:15:06</p> <p>16 because I'm in the field.</p> <p>17 Q. Okay. Fair enough.</p> <p>18 If you look at page 3 of this exhibit --</p> <p>19 A. Uh-huh.</p> <p>20 Q. -- there's a slide entitled "Brief Arista 01:15:16</p> <p>21 History and Cisco Mobilization."</p> <p>22 Do you see that?</p> <p>23 A. I do.</p> <p>24 Q. All right. And the first entry in 2008</p> <p>25 says: 01:15:28</p>	<p>1 which we discussed already. Not the microbursts 01:16:22</p> <p>2 specifically.</p> <p>3 Q. Okay. And the 2010 entry here on page 3</p> <p>4 confirms what I -- what I think was your belief,</p> <p>5 that Cheetah Street started -- 01:16:35</p> <p>6 A. Yes.</p> <p>7 Q. -- in 2010, right?</p> <p>8 A. Yeah.</p> <p>9 MR. FERRALL: All right. Okay. Put that</p> <p>10 aside. 01:16:45</p> <p>11 Let's mark that, please.</p> <p>12 (Exhibit 869 was marked for identification</p> <p>13 the court reporter and is attached hereto.)</p> <p>14 Q. (By Mr. Ferrall) 869 is a document just</p> <p>15 with the title -- it's a PowerPoint with the title 01:17:36</p> <p>16 "Arista," and it was Control No. CSI-ANI-00056464</p> <p>17 through page 62.000062.</p> <p>18 Take a moment to glance through it, and</p> <p>19 let me know when you are done.</p> <p>20 A. Okay. Thank you. 01:18:09</p> <p>21 Okay.</p> <p>22 Q. You understand Exhibit 869 is a</p> <p>23 presentation prepared by the three Cisco employees</p> <p>24 who are listed on the front?</p> <p>25 A. Yes, that's correct. 01:20:25</p>
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<p>1 Arista emerged as a competitor 01:15:28</p> <p>2 with high-profile wins in the</p> <p>3 high-frequency trading space and</p> <p>4 financials.</p> <p>5 Do you see that? 01:15:34</p> <p>6 A. Yes, I do.</p> <p>7 Q. Okay. Does this refresh your memory at</p> <p>8 all about Arista's involvement in the</p> <p>9 high-frequency trading space in 2008?</p> <p>10 A. This does, yeah. It's been a while, but, 01:15:45</p> <p>11 yeah, this market was towards the end of -- you</p> <p>12 know, near the 2010 area, so if this is saying in</p> <p>13 2008, then that's accurate.</p> <p>14 Q. Okay. And the next -- in 2009, the entry</p> <p>15 says: 01:16:03</p> <p>16 Cisco responded with, quote,</p> <p>17 microburst, close quote,</p> <p>18 counter-messaging and targeted</p> <p>19 programs to slow Arista.</p> <p>20 Do you see that? 01:16:12</p> <p>21 A. Yes.</p> <p>22 Q. Do you remember what that Cisco response</p> <p>23 entailed?</p> <p>24 A. Not off the top of my head, no. I</p> <p>25 remember Cheetah Street, which is the next after, 01:16:19</p>	<p>1 Q. I think we -- we talked about 01:20:29</p> <p>2 Mr. Srivatsa, and we talked about Mr. Duncan.</p> <p>3 Do you know Mr. Pletcher, Drew Pletcher?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And what was his role at -- at 01:20:40</p> <p>6 Cisco, or what is his role at Cisco?</p> <p>7 A. His role today, he covers a -- he's a</p> <p>8 systems engineer. He covers some of the</p> <p>9 cloud-based accounts in the sales organization.</p> <p>10 Q. I don't know if you could tell from -- 01:20:58</p> <p>11 from glancing through Exhibit 869 the approximate</p> <p>12 date of this presentation?</p> <p>13 A. I can't, but one thing I can deduce just</p> <p>14 from the title of the gentlemen's that are here,</p> <p>15 this presentation is probably 2008 or '9-ish, 01:21:12</p> <p>16 around there.</p> <p>17 Q. Okay. I think that was a pretty good</p> <p>18 estimate. I'm going to --</p> <p>19 A. Okay.</p> <p>20 Q. -- I'm going to show you -- why don't we 01:21:32</p> <p>21 mark this, and this is the -- sorry.</p> <p>22 (Exhibit 870 was marked for identification</p> <p>23 the court reporter and is attached hereto.)</p> <p>24 Q. (By Mr. Ferrall) Exhibit 870 is the</p> <p>25 printout of the properties for the native version 01:21:48</p>

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1 it to me. 04:44:40
2 Q. Okay. I just notice that there's --
3 there's no -- you know, other than what the
4 attorneys put on --
5 A. Uh-huh. 04:44:50
6 Q. -- there's no confidentiality indication
7 on it, and so I am wondering whether -- your
8 understanding whether this document really is
9 confidential?
10 MS. JENKINS: Objection. Calls for 04:45:04
11 speculation.
12 THE DEPONENT: I don't know. It was
13 forwarded to me from -- like I said, so I -- I
14 looked at it.
15 Q. (By Mr. Ferrall) Okay. Do you recall 04:45:11
16 having any reaction to the -- the results of
17 Nomura's testing?
18 A. Nothing specifically. I mean, the
19 results are the results, and it's -- it's their
20 perception of how they specifically tested these 04:45:30
21 two products in their specific environment, so it
22 doesn't really call out one product to the another.
23 It's specific to the customer.
24 Q. Was there any follow-up with -- with
25 Nomura that you remember following -- following 04:45:46

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1 this test? 04:45:48
2 A. Not with me specifically, but if there
3 were from the account team, then that could have
4 been possible.
5 Q. Do you know if the -- the testing that's 04:45:59
6 described here in Exhibit 889 -- was that the
7 precursor to a particular deal?
8 A. I don't know. I would have to have ask
9 the sales team.
10 Q. If you look at the second-to-last page 04:46:34
11 or --
12 A. Okay.
13 Q. -- it's the page ending in 024 in the
14 small numbers at the bottom.
15 A. Okay. 04:46:44
16 Q. This is a page entitled "General CLI."
17 Do you see that?
18 A. Yes, I do.
19 Q. Okay. And can you just read the first
20 paragraph in -- in this page? 04:47:00
21 A. The Cisco Nexus provides a standard CLI
22 as you would expect from a standard Cisco Nexus
23 device. The Arista is very similar to Cisco CLI
24 with a mix between IOS and NX-OS; however, it
25 lacks some of the additional information that you 04:47:19

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1 would get from the Cisco output. 04:47:21
2 Q. Okay. Do you remember reading that when
3 you got this document in 2011?
4 A. No.
5 Q. Do you recall any discussion amongst your 04:47:34
6 colleagues at Cisco about the fact that Nomura
7 observers Arista having a similar CLI to Cisco's?
8 A. No.
9 Q. Okay. I think I neglected to ask you --
10 A. Yes. 04:47:58
11 Q. -- about your education.
12 A. Okay.
13 Q. What's your -- what degrees do you have?
14 A. I have a bachelor's in computer science,
15 Bachelor's of Science, and then I have a master's 04:48:07
16 in information systems.
17 Q. And where did you get those degrees?
18 A. The first one was at Long Island
19 University -- I'm sorry. The first one is Dowling
20 College, and the second one is Long Island 04:48:19
21 University.
22 Q. Okay. Bear with me just a second.
23 In the statement of the high-speed
24 switching market that you are most familiar with,
25 who you would identify as Cisco's, say, top five 04:49:17

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1 competitors over the past five years? 04:49:22
2 A. When you say "high-speed switching," you
3 don't necessarily mean the low latency, just --
4 just data server switching, correct?
5 Q. Yeah, let me be clear. 04:49:36
6 A. Yeah.
7 Q. I want to focus on what you know about
8 most.
9 So within your segment --
10 A. Uh-huh. 04:49:42
11 Q. -- of data center switching --
12 A. Yes.
13 Q. -- who would you identify as Cisco's top
14 five competitors over the last five years?
15 A. Juniper, Arista, HP, Huawei. I would say 04:49:55
16 those four that come to mind, and Huawei
17 predominantly being outside the U.S.
18 Q. And do you have any view as to who among
19 those four has -- has taken the most market share
20 from Cisco? 04:50:30
21 A. I would say Arista in the last two, three
22 years, if I had to guess.
23 Q. Before that? Do you --
24 A. I mean, Juniper has always been there, so
25 they are still there, so we do compete against 04:50:50

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1 them. 04:50:57

2 MR. FERRALL: Okay. I have no further
3 questions. Thank you.

4 THE DEPONENT: Oh. Thank you.

5 MS. JENKINS: Nothing from me. Thank 04:51:21
6 you.

7 THE VIDEOGRAPHER: This is the end of
8 today's deposition of Mr. Deepak Malik. We are off
9 the record at 4:51 p m. Total number of media used
10 was two, and they will be retained by Veritext.

11 Thank you.

12 (TIME NOTED 4:51 p m.)

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1 I, Rebecca L. Romano, a Certified Shorthand
2 Reporter of the State of California, do hereby certify:

3 That the foregoing proceedings were taken before me
4 at the time and place herein set forth; that any
5 witnesses in the foregoing proceedings, prior to
6 testifying, were administered an oath; that a record of
7 the proceedings was made by me using machine shorthand
8 which was thereafter transcribed under my direction;
9 that the foregoing transcript is true record of the
10 testimony given.

11 Further, that if the foregoing pertains to the
12 original transcript of a deposition in a Federal Case,
13 before completion of the proceedings, review of the
14 transcript [] was [X] was not requested.

15 I further certify I am neither financially
16 interested in the action nor a relative or employee of
17 any attorney or any party to this action.

18 IN WITNESS WHEREOF, I have this date subscribed my
19 name.

20
21 Dated: June 2, 2016
22

23 <%signature%>

24 Rebecca L. Romano, RPR,
25 CSR. No 12546